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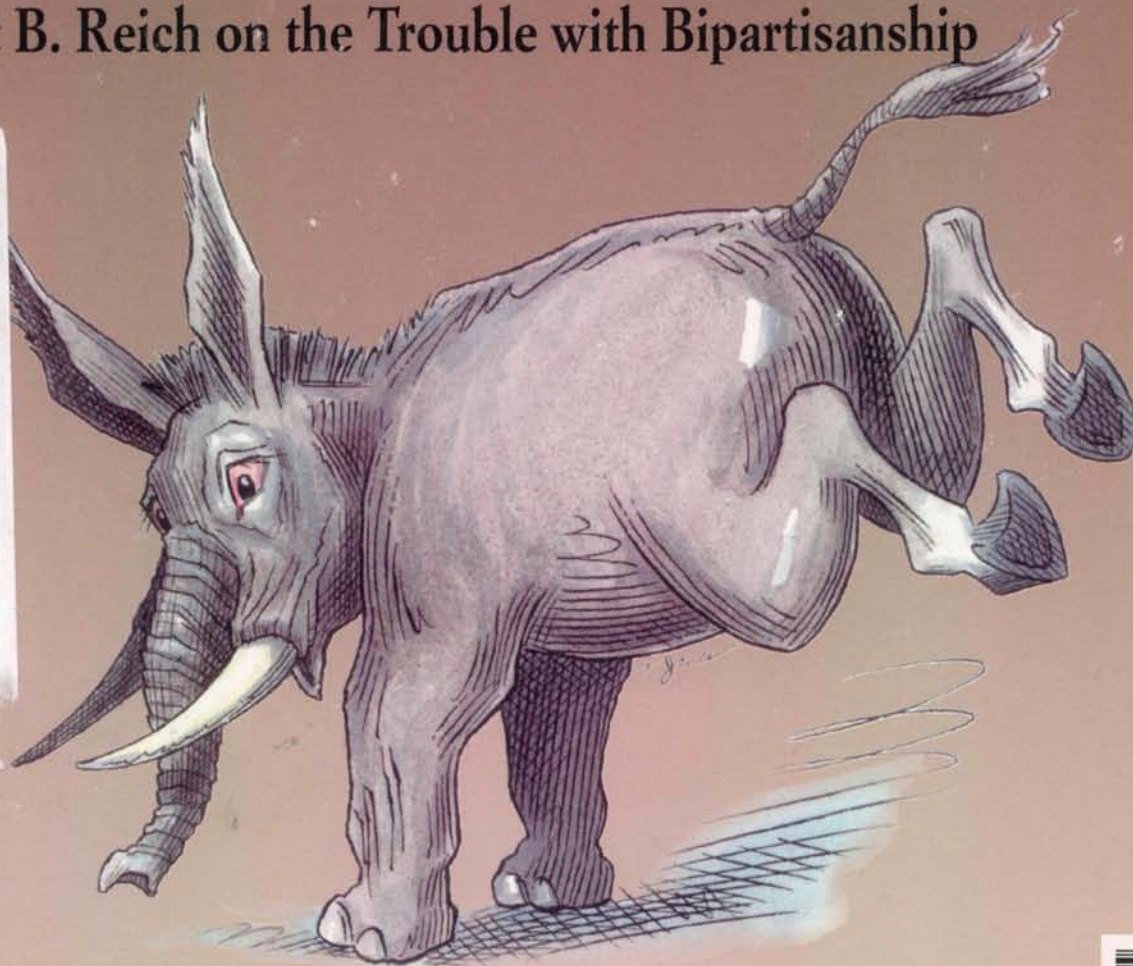
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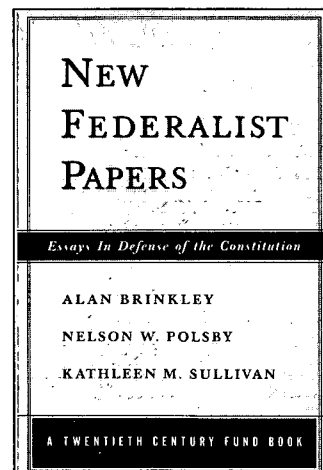
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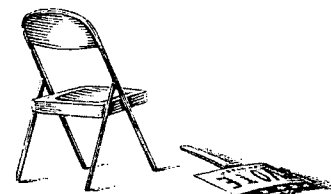
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## THE AMERICAN PROSPECT

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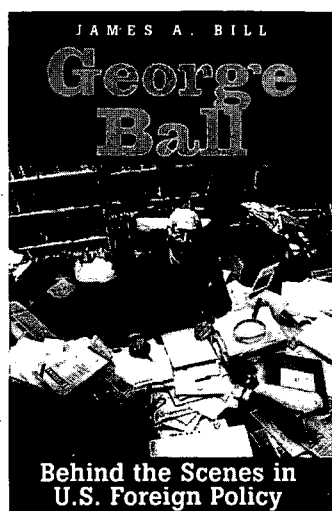
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**W**ith this issue, Robert Reich formally resumes his duties as editorial chairman, a position he held as one of the co-founders of this magazine. In a robust dissent from the prevailing Washington orthodoxy ("Up From Bipartisanship," page 26), he warns against our current comity of errors and proposes in its place a progressive agenda built on the "moral principles at the core of American capitalism"—admittedly a subversive idea, at least to some.

In "The Devil in Devolution," John Donahue also dissents from prevailing orthodoxy—in this case, the conviction that Washington should cede power to state capitals. Taking a cue from Garrett Hardin's famous essay, "The Tragedy of the Commons," Donahue argues that the nation is a commons that state governments often abuse by trying to solve their own problems at the expense of other states. Good policy is impossible, Donahue maintains, without bringing such issues to national resolution.

In yet a third discordant note, Christopher Jencks explains that last year's bipartisan triumph, welfare reform, contains a "hidden paradox": Careful analysis shows that former welfare recipients who obtain work may earn more but be worse off because of added costs and diminished benefits when they take the low-wage jobs typically available to them. In proposing a "support system for working mothers"—which coincides with much of the agenda that Reich lays out—Jencks acknowledges Donahue's point: "In the long run, all programs that involve significant redistribution from rich to poor have to be financed nationally." Otherwise states risk becoming "magnets" for the poor. But Jencks also sees some short-run opportunities for positive state experimentation.

Bipartisanship has such a nice sound to it that we hate to be disagreeable. But there are times to sing off-key, and this is one of them. □



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ROBERT KUTTNER

# Rules That Liberate

**R**ecently, I participated in a new television program called *Debates, Debates*, in which two teams have an hour to argue an issue of the day. The proposition under debate that day was whether trade sanctions should ever be used to advance human rights. For the opposition, the team captain was Eugene Rotberg, former vice president of the World Bank. Rotberg, cross-examining my debating partner, William Greider, expected to score a nice point on Greider with the following exchange:

Greider: We all have our choke points. I wouldn't trade with a country that used slave labor. . . .

Rotberg: Who's "we" here?

Greider: Americans. This is a political question.

Rotberg: Do you know where the parts to the car that you're driving are made?

Greider: What's that got to do with it?

Rotberg: Do you know that the car parts are made with child labor?

Greider: But, see, you're starting from the position that governments are incapable of addressing these questions, so us poor consumers are supposed to resolve them. I don't agree with that. Look at American history. They didn't get children out of the coal mines until the government made it illegal. They didn't close down the sweatshops until reform movements passed laws.

Quite so. A consumer may be sovereign when it comes to deciding between a Taurus and a Toyota, but the individual buyer is powerless to know, much less influence, the labor practices at, say, a Ford engine plant in Mexico.

Within advanced countries, governments enact wage and hours laws, health and safety regulations,

regimes allowing collective bargaining. These and kindred policies all offer relief from economic pressures that would otherwise yield hardship for ordinary workers. They are the fruits of a century of political struggle. But between countries, there are no such rules—as yet. So the default position for traded goods is *laissez-faire*: The country with the lowest standards enjoys a competitive advantage, and drags down the standards of other countries. This is why the question of whether, and how, to link trading rights to labor rights is so contentious. The domestic forces that don't like these safeguards let international trade do the dirty work of tacitly dismantling them.

**T**he above exchange between Rotberg and Greider offers a much broader insight about the paradoxical relationship between individual freedoms and society's framework of rules. The now ascendant libertarian view depicts rules as nothing but constraints on individual freedoms. But rules can also be empowering. Rules set social standards in realms where the individual as consumer is essentially powerless to achieve constructive social change. And rules protect the individual as producer from acceding to "contracts of desperation" that leave society as a whole worse off.

For example, no matter how dire a household's circumstances, we no longer allow six-year-olds to work for wages. In the short run, child labor might put a bit more bread on a poor family's table, but in the long run it would yield a society with more urchins, less education, and lower breadwinner wages. A custom—child labor—that market society would otherwise lead desperate people to "freely" choose is precluded, by law. A spurious liberty is foreclosed, for the sake of creating a society with more genuine freedom—the freedom enjoyed by a better-educated population that can command higher earnings as adults. There was a time early in this century when the courts held that such laws interfered with the freedom to contract. But a more complex conception of freedom acknowledged that such laws enhanced liberty.

If we look a little harder, we can think of other examples where people are forced into Hobson's choices because the available menu presents no good options. The problem is not bad individual judgment. It is the absence of rules and social remedies

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that compels individuals to make unbearable choices.

A case in point is the proliferation of guns. If gun-control laws are weak and you live in a violent neighborhood, you are tempted to carry a gun. Pretty soon, nearly everyone is carrying a gun. The NRA actually believes that universal gun toting enhances personal security. But this is only the case when guns are already ubiquitous. A far better "leveler"—one that leads to less total violence and more total security—is to rid the society of private handguns. Who is freer? The citizen free to carry his own weapon, or the citizen free of the worry of being menaced at gunpoint? Game theory understands this as a "collective action" problem, meaning one in which the sum of rational individual choices does not yield a rational collective outcome. We need some external mechanism of reciprocal disarmament, which the lone individual cannot attain unilaterally. The only remedy is a set of collective rules.

Another pertinent case is campaign finance. Do the Democrats unilaterally disarm, and let the Republicans—as natural ally of the rich—raise 10 times the money to contest elections? Or do the Democrats discard half of their historic program and constituency, cozy up to fat-cat financiers, and rent out the Lincoln Bedroom? Neither choice is defensible. The existing rules offer no good choices.

In this issue of *The American Prospect*, John Donahue analogizes this sort of dilemma to the environmentalist parable of the Tragedy of the Commons. When common standards are weak, there ensues a "race to the bottom"—the phrase is originally Justice Brandeis's—to discard standards altogether. As a society we reap choices that we as individuals really don't want. But in the absence of common standards, the rational pursuit of individual self-interest leaves the collectivity, and hence most individuals, worse off.

**A** less obvious, though telling, example is family versus career. As real median earnings have fallen, more households require two breadwinners. Parents are constantly torn between sacrificing children and sacrificing living standards. A parent with a sick child must choose between taking time off from work and seeming to the boss like a laggard, or feeling like a rotten mother or father. Faced with these two alternatives, there is no good choice. What we need is

not a more discerning engagement with the available choices, but a different menu.

Here, as elsewhere, membership in the elite conveys choices not available to ordinary people. A friend, with two small children at home, has an important job comprised entirely of writing, editing, and telephoning. Her employer is a large corporation. My friend is immensely productive. Her productivity speaks for itself—the work gets done efficiently and well. She recently asked her boss if she could do her job from home three mornings a week—something easily attainable in an age of computer, fax, and modem. The boss responded that he worked a long day, and he expected everyone on his team to put in a long day. As it turns out, he also has small children. But he has a wife with a very part-time job, as well as an au pair.

The very existence of au pairs, as opposed to more social investment in child care and more liberal family leave policies, forces these invidious choices on the nonrich. Here in greater Boston, the papers have been filled with the story of a teenage English au pair, Louise Woodward, who, in a terrible moment of frustration, shook an infant so hard that he went into a coma and eventually died. She is now on trial for murder. This has prompted a heated debate about whether au pairs are adequately screened.

Weighting in with a defense of au pairs was Derrick Jackson, one of the *Boston Globe's* most liberal columnists. He testified to the wonderful experience that he and his family had had with no fewer than eight au pairs. Jackson bolstered his argument with the point that, statistically, there is far more child abuse by natural parents and ordinary babysitters than by au pairs.

But the real scandal here is not that a trivial fraction of au pairs may abuse children. It's that only a trivial fraction of families can afford au pairs at all, and that society doesn't offer good choices for the rest. No wonder so much abuse occurs among parents.

The sociologist Arlie Hochschild, in an important new book, *The Time Bind: When Work Becomes Home and Home Becomes Work*, studied the efforts of an unnamed Fortune 500 company to make its workplace more "family-friendly." She picked a company that was renowned for its caring approach to work and family. The company, disguised by Hochschild as "Amerco," offers flex-

time, pro-rated part-time career ladders, on-site day care, generous family leave policies, and so on.

But Hochschild found, to her dismay, that pitifully few workers took advantage of options that left them more time at home. After conducting extensive interviews of everyone from the chairman to the human resources vice president to ordinary clerks and production workers, Hochschild came to two conclusions. First, despite the company's protestations, workers who got off the fast track paid a severe career price. Second, there has been an awful inversion of what we expect from home and what we expect from work.

Instead of serving as a haven from a hostile world, the home, in time-squeezed America, is a place of split-second juggling acts, marital disputes about who gets leisure time and who minds the children, much stress, and little comfort. The workplace, by contrast, offers social relationships, mentoring, and a feeling of teamwork and accomplishment. One can exaggerate this, of course, but Hochschild's meticulous evidence suggests that the model of the nurturing corporation backfires. Instead of workers taking the company's offer to use the family as a respite from work, they use work as a respite from the family. As Hochschild writes, "The valued realm of work is registering its gains in part by incorporating the best aspects of home. The devalued realm, the home, is meanwhile taking on what were once considered the most alienating aspects of work."

That, in turn, suggests that the work-family conundrum is even more intractable than it seems. Parental leave and part-time career options are fine and necessary, but hardly sufficient. What might be sufficient? Here, we come back to the question of society's rules.

As recently as two decades ago, basic industry and commerce in America were substantially regulated, and domestic oligopolies were substantially insulated from foreign competition. Corporations in industries as diverse and far-flung as banking, trucking, telecommunications, broadcasting, health care, airlines, autos, chemicals, steel, and electric power were all so sufficiently insulated from cutthroat competition that they could offer their employees a stable career environment. Productivity did not suffer; on the contrary, productivity growth in the 1950s and



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1960s was more rapid than in the 1970s and 1980s. But it occurred in a stable institutional context, which in turn was the fruit of regulation.

The regulations that afforded this stability were either classic economic regulation of what were thought to be natural monopolies (telephones, trucking, airlines, electric power), or regulation based on safety and soundness concerns (banking, savings and loans, stock brokerage, insurance), or regulation based on professional and public-goods objectives (health care), or regulation that yielded strong unions in basic industry (enforcement of the Wagner Act), or tariff regulation that insulated domestic industry from the pressures of foreign trade.

Most of this has now been discarded, in the pursuit of greater textbook "efficiency." But one of the real, and insufficiently appreciated, benefits of the postwar era of regulation was that it yielded a workplace stable enough to permit the negotiation of durable social compacts. Those social compacts, while they lasted, allowed progressively longer vacations, progressively shorter workweeks, and increasing fringe benefits. The job security afforded by the same social compact emboldened workers to insist on these other amenities. This progress, as Barry Bluestone and Stephen Rose documented in our March-April issue ["Overworked and Underemployed"], has abruptly come to an end. Deregulation, though seldom blamed, is a prime culprit. Had this more stable bargaining environment continued, I have little doubt that these amenities would have been expanded to include measures to reduce the tension between work and family. This is certainly the case in European countries that have resisted the pressure to dismantle a workplace compact.

So the relationship between regulation and a decent society is rather more complex and multifaceted than it first seems. When so many diverse industries were subjected to economic regulation early in this century, more decent working conditions were not the intent, but they became an important side effect. Evidently, it will not work to graft family leave mandates onto a work environment that is so fluid and precarious that workers dare not take advantage of added benefits. In order to allow social progress to resume, we first need to restore a more social conception of work and some new preconditions for a durable social compact. In an information economy of shifting technologies and virtual careers, it is that much harder to negotiate social compacts. But if

there were more social safeguards against arbitrary treatment and more social subsidy of the cost of child rearing, more workers would have the confidence to pursue more satisfying trade-offs.

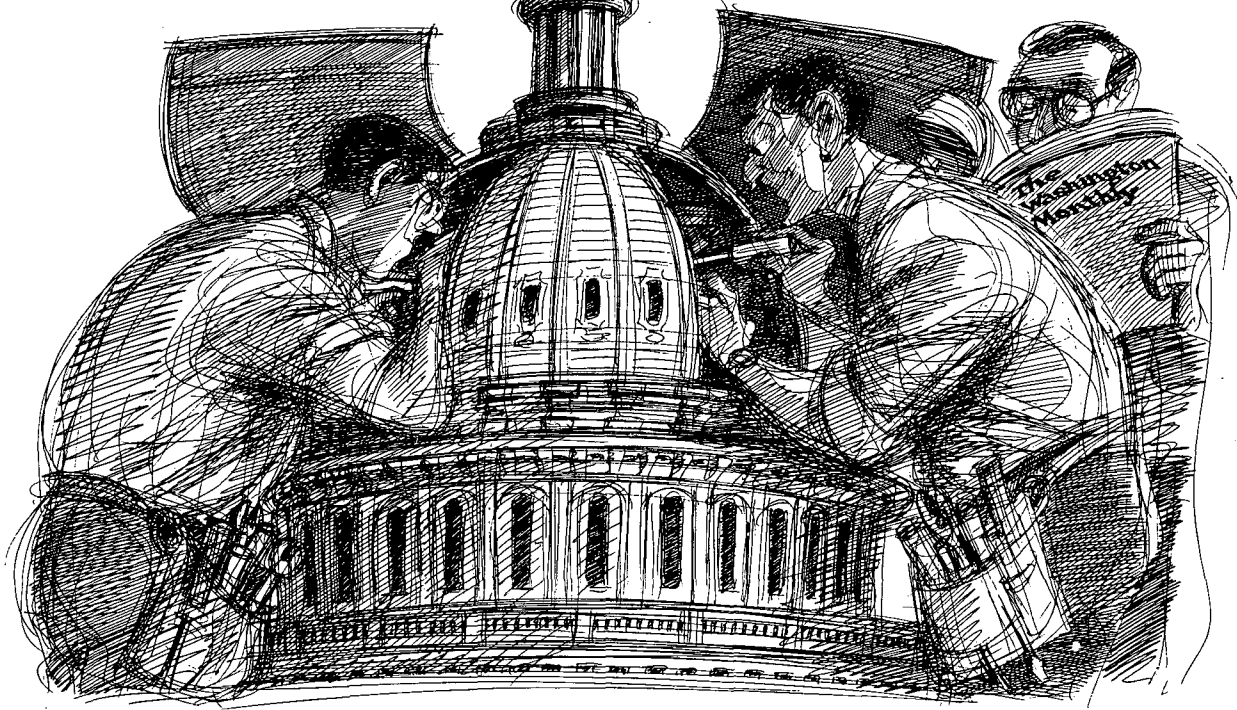
Hochschild calls for a "time movement," demanding relief from the universal time squeeze, in the spirit of the late-nineteenth-century crusade for an eight-hour day. Although a personal turning away from career-crazed materialism could help, this movement will require more than individual commitments to a life of voluntary simplicity; the countervailing economic pressures are simply too intense. It will also require new rights and rules. Extended paid leaves for new parents—of both genders—would be a good place to start. A normal four-day workweek would be another good innovation. Socially sponsored child care and more employee rights against arbitrary dismissal would also help. A revival of the labor movement would be the best remedy of all, since most of the specific gains of the postwar era came via the solidarity and concerted legislative pressure that unionism afforded.

**T**he libertarian story, depicting government and collective regulation as the enemy of individual freedom, offers an impoverished conception of liberty. It has the virtue of simplicity—cast government aside. Our story is necessarily more complex, because it acknowledges the complexity of human society. The libertarian worldview is somewhat contradictory, because it recognizes the need for norms of behavior. Indeed, many professed libertarians pride themselves on being stern parents. But the libertarian view denies that norms of behavior can ever be legitimately set by collective public action.

In a libertarian society, we are free to choose—to sacrifice children or income; time or career; political integrity or political money; weapons or personal security; free trade or decent labor standards. All of these are lousy choices, and not the only ones potentially available.

In reality, regulation remains necessary to prevent races to the bottom, and to preclude invidious choices from being forced upon ordinary people. Regulation is also necessary to create oases from short-term economic pressure, so that durable social compacts can be negotiated. In rebuilding a usable liberal politics, we would do well to rehabilitate the liberating virtue of collective rules.□

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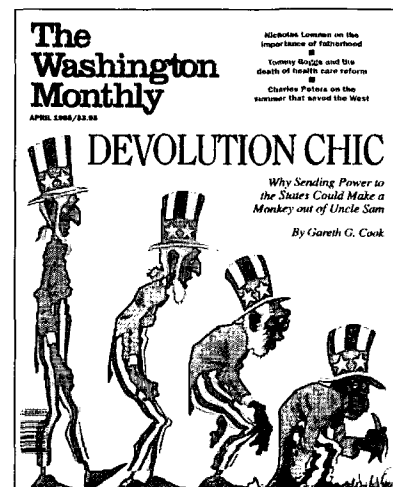
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## BLOOD ON THE HIGHWAY?

Who could be against traffic safety? Well, according to the sublimely named American Highway Users Alliance (AHUA), environmentalists and urban planners, of all people.

At issue is the 1991 Intermodal Surface Transportation Efficiency Act (ISTEA, known affectionately as "ice tea"), which is up for renewal this year. ISTEA signaled a major change in federal transportation policy. The law shifted billions of dollars traditionally earmarked for funding roads, bridges, and transit to new programs designed to promote alternative modes of transportation and to help cities and suburbs comply with more stringent clean air requirements. But according to the highway lobby, the environmentalists and urban planners who supported this measure have put millions of American drivers at risk by denying highway builders the funds to repair potholes, fix bridges, and otherwise keep highways in safe driving condition.

In an interview with *Congressional Quarterly*, AHUA President William D. Fay contended that by diverting funds from infrastructure upkeep, the legislation has endangered American drivers, and lead to "lives lost and decay of our roads and bridges." The highway lobby wants to strip out the

mass-transit options and other environmentally friendly provisions in an effort, it claims, to save America's "crumbling infrastructure."

But a closer look suggests that the real problem here is not that the law denies funds for highway upkeep. It's that the highway lobby finds it more profitable to build new roads than to repair existing ones. Of the funds earmarked for roads and bridges by the 1991 law, 44 percent have gone to new road construction or road expansion, rather than repair. In the grand tradition of high school drivers-ed movies like *Blood On the Highway*, the AHUA is resorting to scare tactics. If the highway lobby really wants safer infrastructure—and not just to pave more of America—it would focus its energies on ensuring wise use of the ample funds already set aside for roads and bridges.

## RESETTING THE BAR

Lawyers are not quite as detested as welfare mothers, but the right's latest villain is the American Bar Association (ABA). The charge is that the venerable association is soft on liberal judges.

The right's brief, which has included a federal lawsuit and

Senate Judiciary Committee hearings, contends that the ABA's liberal bias interferes with its supposedly objective role in evaluating candidates for judgeships.

These accusations of bias have prompted Utah Republican Orrin Hatch, chairman of the Senate Judiciary Committee, to seriously consider ending the ABA's semi-official role in advising the Senate.

The ABA, through its 15-member Standing Committee on the Federal Judiciary, has been offering evaluations of the professional qualifications of proposed federal judges since 1953, when Dwight Eisenhower asked for the association's assistance in reviewing judicial appointments. In all cases, the ABA conducts an extensive investigation into the individual's "judicial temperament, integrity, and professional competence." Typically, these reviews consist of confidential interviews with a minimum of 50 to 100 lawyers who possess firsthand knowledge of the individual in question. When the reviews are complete, the ABA passes judgment in the form of a rating—"Well Qualified," "Qualified," or "Not Qualified."

According to Republican Congressman Christopher Cox, writing in the *Weekly Standard*,





the ABA in the 1980s officially amended its rules several times, introducing ideology and politics into its evaluations. But it turns out the changes Cox cites come not from ABA rules, but from a handbook intended for the general public explaining the ABA's evaluative criteria. ABA officials say they decided to change the booklet's wording simply because the public seemed to misunderstand its historic role, which had always included the consideration of philosophical beliefs that might affect "judicial temperament, integrity, and professional competence."

Cox also trumpets a study by the American Enterprise Institute's Daniel E. Troy that compares the ABA ratings given to judges with similar qualifications and finds that the standing committee routinely gives higher ratings to liberal nominees. But it's virtually impossible to control for similar qualifications among nominees, and to do so Troy has relied on equating nebulous paper credentials. Do 11 years of

public-interest law and one year of government service equal 12 years of private practice and several subcabinet posts? It's hard to say. That's why the ABA's evaluation explicitly goes beyond paper credentials.

Cox claims that the ABA's "left-wing bias has a chilling effect on judges' support for judicial restraint," yet the Reagan and Bush administrations managed to find plenty of aggressively conservative legal minds during their successful 12-year crusade to remake the federal courts. And it wasn't as if Reagan and Bush were making these appointments over the objections of the ABA, which rated only one Reagan appointee "Not Qualified" and had no objections to any of Bush's selections. In fact, since 1960, only 26 candidates rated "Not Qualified" by the ABA have been nominated to the federal judiciary, and 23 of those "Not Qualified" candidates were nominated by Democratic presidents.

If Cox is worried that a Democratic president, such as Bill Clinton, will take advantage of the ABA's "left-wing bias" and attempt to undo the Reagan-Bush judicial legacy, he shouldn't fear. A statistical analysis of Clinton's first-term judicial appointments by Professor Donald Songer of the University of South Carolina and his colleagues, Robert Carp of the University of Houston and Ronald Stidham of Appalachian State University, found that Clinton's appointees are generally moderate, with his district court judges rendering liberal

decisions in 46 percent of their cases and his appeals court judges handing down liberal rulings in only 36.5 percent of theirs. Clinton has conspicuously avoided appointing judges who might offend Republicans on the Senate Judiciary Committee.

Taking objectivity to the extreme, the ABA gave its tacit seal of approval to the Reagan-Bush judicial makeover, deeming archconservatives like Robert Bork, Antonin Scalia, and David Sentelle "Well Qualified." Indeed, if anybody should have a beef with the ABA, it's liberals.

## NO POLITICS IN THE COURTS—EXCEPT OURS

The right shouldn't be so quick to blame liberals for "politicizing the judicial confirmation issue," as Orrin Hatch recently did in the *New York Times*. After all, wasn't it Ed Meese, writing in the January-February issue of *Policy Review*, who urged the Senate to use its confirmation authority "to block the appointment of activist federal judges"? In the same piece, Meese notes that the Constitution "established Senate confirmation to ensure that unqualified nominees were not given lifelong judgeships."

Meese thinks a judge's qualifications should be judged first and foremost on his or her "commitment to a philosophy of judicial restraint." Does that sound political to you?

—Jason Gray Zengerle

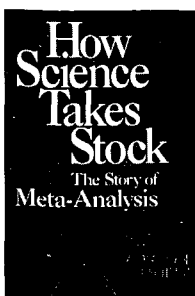
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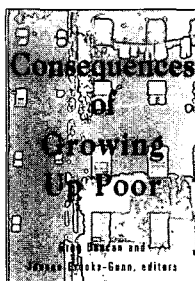
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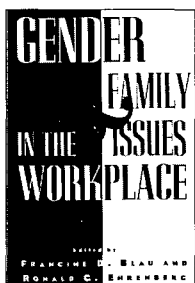


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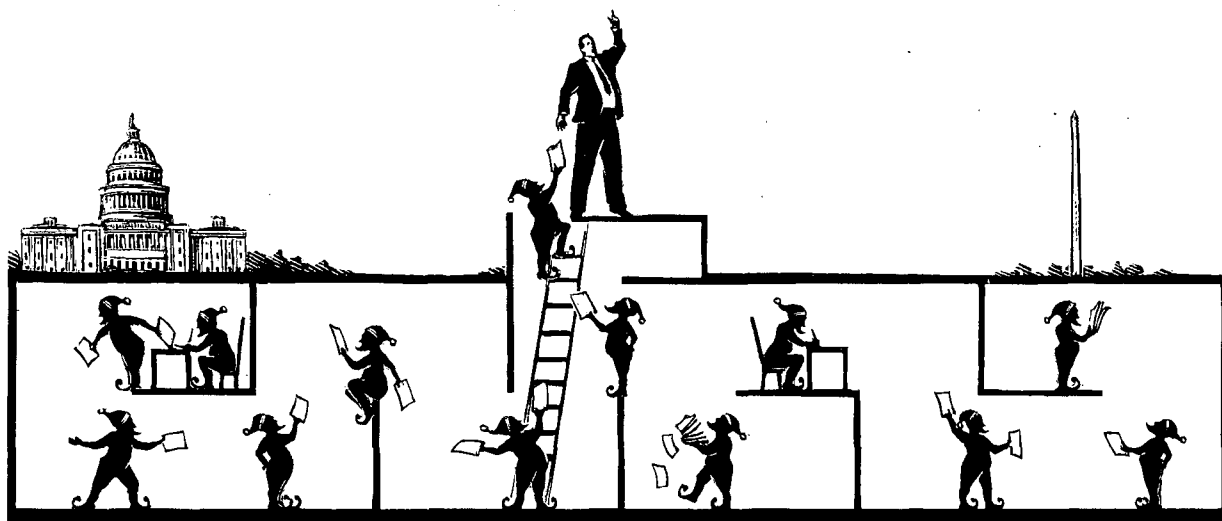


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JOHN B. JUDIS

# Whistling Past the Trade Deficit



Soon after he was nominated to be Secretary of Commerce, Bill Daley called in several prominent trade experts to brief him. What, he asked them, was the most important thing he should know? Claude Barfield from the American Enterprise Institute was quick to reply, "You should understand that the trade deficit doesn't matter."

Barfield's advice appeared to defy common sense. The trade deficit has been climbing steadily since 1991. Last year's total of \$114.2 billion (including services as well as goods) is the highest since 1988. The merchandise trade deficit of \$187.6 billion is the highest ever. Yet Barfield's opinion is shared by top Clinton administration officials and by most policy experts in Washington—from the Heritage Foundation to the Brookings Institution. To find dissenters, you have to call up smaller outfits like the Economic Policy Institute and the Economic Strategy Institute, or maverick economists like Charles McMillion of MBG Information Services.

The dissenters don't receive much attention in the press, nor do they have much face time with high-ranking administration officials. But this could

be one of those cases where respectable opinion is wrong, and commonsense opinion, represented in Washington by the mavericks and dissenters, is substantially right.

The established policy experts invoke three different arguments to show that the trade deficit doesn't matter. First, they say, trade deficits are intrinsically positive. Writes Bryan T. Johnson, the Heritage Foundation's venerable trade analyst, "Trade deficits are not harmful to the economy. If they were, America would not be the economic powerhouse it is today. For most of its history, the U.S. has run a trade deficit."

That's simply nonsense. When the United States was regularly running trade deficits during the nineteenth century, it was an economic subordinate of Great Britain. When it began running surpluses in 1893, that signaled its emergence as Britain's equal. The United States did not run a trade deficit again until 1971, when it also began to suffer slower growth and higher unemployment. It is true that a country can run trade deficits and prosper. Great Britain did so during the zenith of its prosperity in the nineteenth century. But Britain's deficits, unlike



ours, were based on raw material and agricultural imports and were compensated by its dominance of world shipping.

The trade establishment's second argument is that the trade deficit is merely a reflection and product of an imbalance in domestic savings. Says Barfield, "Most economists would argue that the trade deficit is not very important. It may reflect underlying problems but they are not related to trade itself. The best way to deal with the trade deficit is to get your private and public savings rates up." This theory, which imputes a particular causal relationship to a general accounting rule, dates from the early 1980s, when the Japanese used the dollars they accumulated from U.S. trade deficits to buy T-bills, skyscrapers,

and movie companies. Previously, most economists would have argued that trade deficits were a factor in reducing the American savings rate—they increase consumption without increasing domestic income. (In other words, when consumers here buy imported products, most of the money goes abroad.) But in the Reagan era, economists began to maintain that the budget deficits were unilaterally causing the trade deficits.

The older economists had it right. There are certainly circumstances when budget deficits can increase trade deficits by increasing consumption of foreign goods, but there are other factors that can also increase trade deficits, including industrial backwardness, foreign trade barriers, and a shortage of expensive natural resources. The resulting trade deficit can, in turn, reduce domestic growth and savings. Lowering budget deficits can also improve the trade deficit, but here, too, there is not a one-way causal relationship. Since 1992, for instance, the budget deficit has declined but the trade deficit has risen.

**T**he third, and most compelling, argument against taking the trade deficit seriously actually comes from the Treasury Department. Treasury Secretary Robert Rubin and Deputy Secretary Larry Summers argue that the current trade deficit simply reflects

the disparity in national business cycles. With the U.S. economy running near full employment, and with other countries mired in recession or experiencing slower growth, increased American consumption of imports is not being balanced by increased foreign consumption of our products. Rubin says, "If you have a high unemployment economy, then the trade deficit tends to reduce GDP, then you worry about it. If you have a low unemployment economy, which we have now,

then that issue isn't on the table." There is certainly some truth in this argument. Last year's trade deficits with Germany (\$15.5 billion), Italy (\$9.4 billion), and France (\$4.2 billion) primarily reflected faster growth rates in the United States. Faster

**C**ommonsense opinion,  
represented in Washington by  
the mavericks and dissenters,  
is substantially right.

growth has helped sustain a rise in the dollar against the yen and the German mark, which has further contributed to the U.S. trade deficit. But the question is how much of the current trade deficit can be explained away by these cyclical factors. The answer is not that much.

Larry Chimerine of the Economic Strategy Institute argues, "The bulk of America's merchandise deficit is structural rather than the result of disparate growth rates. . . . America's overall merchandise import rate was high and rising rapidly even during our latest period of stagnation and recession—the late '80s and early '90s." Well, that's not quite true. The trade deficit fell from 1987 to 1991, but it did persist even during the slowdown. And there are reasons for the continued deficit that don't bear directly on the U.S. savings rate or rate of growth.

The continued deficit with Japan and China, for instance, is largely the result of their mercantilist trade strategies. Inspired by Japan's success, other Asian countries have also sought to create an export surplus through restricting imports—either through formal or informal barriers—and subsidizing exports. In 1996, for instance, our merchandise trade deficit with Japan (\$47.7 billion) and China (\$39.5 billion) made up 46 percent of our total. Our trade deficit with Pacific Rim nations as a whole was \$102 billion, or 54 percent of the total. These deficits have persisted in the face of changing

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exchange rates, rising and falling federal deficits, and rising and falling economic growth.

Some of our trade deficit has also been due to American multinational corporations that have moved their production to foreign countries and have then imported more goods back into the U.S. than they have exported to their overseas affiliates. In 1994, imports from U.S. multinationals made up 38 percent of American imports. The rising trade deficit between the United States and Mexico—\$16.2 billion in 1996—is partly due to American firms importing from Mexico. According to economist Charles McMillion, Mexican affiliates of foreign companies now export more autos to the United States than the U.S.-based auto companies export to the entire world.

**I**f the trade deficit is partly structural, should we—and Bill Daley—worry about it after all? Barfield and other policy experts can still argue that as long as countries clamor to invest in the United States, persistent trade deficits will not have the same effect on the American economy that they would have on, say, Italy or Indonesia. The U.S. currency won't come under attack, and the U.S. won't have to raise interest rates to recession levels. But these experts are ignoring less dramatic, but still significant drawbacks to persistent trade deficits.

The sheer size of the trade deficit regularly reduces the rate of growth. Last year, it reduced the rate of growth from 4.2 to 2.5 percent (given the trade deficit's relationship to gross domestic product and figures from the Commerce Department). A higher growth rate would have meant more jobs, a tighter labor market, and increases in wages. Of course, at a 5.4 percent rate of unemployment, some Washington economists insist we are already at full employment, but even in the midst of a slowdown, Japan boasts 3.3 percent unemployment and little inflation. And much of America's full employment consists of what economist Joan Robinson used to call "disguised unemployment"—low-wage, low-productivity service jobs that wouldn't exist in a booming economy.

The composition of the trade deficit reinforces the trend toward greater wage inequality. The trade deficit is no longer concentrated in petroleum imports, but in manufacturing goods. In 1974, petroleum imports accounted for 35 per-

cent of American imports; in 1994, they made up 8.3 percent. The deficit is also not concentrated in traditionally labor-intensive, low-wage industries like shoes and textiles, but in automobiles and electronic equipment. The leading contributor to our trade deficit with China is electrical machinery and equipment. The leading contributor to our deficit with Japan and Mexico is automobiles and auto parts. These are industries that could sustain middle-class communities in the United States. Without them, many American workers are being forced to take low-paying jobs in the service sector. This contributes to a decline in the savings rate.

Specific, ongoing trade deficits have also contributed to the decline of American manufacturing industries. By winning market share in the U.S. through relentless price cutting while keeping American goods out of their market, Japanese firms were able to gain an edge over American consumer electronics, steel, and semiconductor firms in the 1970s and early 1980s. The consumer electronics industry was decimated; deprived of expected rates of return, American firms simply abandoned the field. The steel industry was reduced to a shadow of itself, and the semiconductor industry has only partially recovered—American firms make the world's most sophisticated processors, but have not regained their place in the production of memory chips. It seems remote now, but continuing trade deficits in autos and auto parts could kill off one of the Big Three auto companies and many of the domestic parts companies that supply the Big Three.

Finally, persistent trade deficits also create a growing obligation to foreign holders of American bonds and assets. McMillion notes that the cumulative trade deficit during Clinton's first term of \$667 billion far surpassed that of the first and second Reagan administrations and of the Bush administration. These obligations confer a certain power over American finance and in the long run can pose a threat to the dollar itself, the strength of which rests ultimately on the ability of American industries to produce goods that Americans and the rest of the world want to buy. In the midst of a business upturn, it is easy to ignore these dangers. But once the bloom is off—and that could happen before the end of the second Clinton administration—respectable opinion in Washington may once again prove to have been shortsighted. □

JONATHAN COHN

# Scandals for Dummies

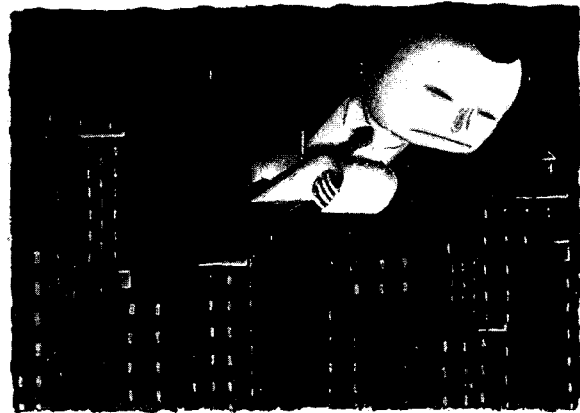
On the first Sunday in March, the *Washington Post* published an investigative piece highlighting Vice President Al Gore's central role in the Democratic Party fundraising operation. The article, by Bob Woodward, chronicled how Gore called donors one by one, hitting them up for money in a manner so direct even one veteran fundraiser called the experience a "shakedown." The article also described how in one instance, Gore called a donor to acknowledge a \$100,000 gift to the Democratic Party—a gift the donor says was intended as a "thank you" for assistance in gaining a lucrative telecommunications contract.

Since television producers use articles in the *Sunday Post* as their cues for coverage—particularly when the articles feature Woodward's byline—it was no surprise to find questions about Gore's fundraising all over the *Sunday* talk shows. On NBC's *Meet the Press*, host Tim Russert pressed his two guests—Senators Daniel Patrick Moynihan and Orrin Hatch—on whether the Vice President violated laws prohibiting fundraising and solicitation on government property. On ABC's *This Week*, George Stephanopoulos answered similar charges by explaining carefully how Gore used special phone lines, paid for by the Democratic Party, to avoid violating the letter of the law.

At a press conference the following Monday, every question but one centered on whether Gore broke the law by making fundraising calls from the White House. Other outlets followed suit in the week that followed, as they scrambled to catch up with the *Post*. For his part, Gore denied any wrongdoing, noting some of the laws against fundraising on government property don't apply to the Vice President anyway. But Gore added that for the sake of appearances he would stop calling donors from the White House. The *Post*'s

headline on Tuesday relayed the bulletin, "Gore: Fund-Raising Calls Broke No Law."

One could credibly argue that Gore was due for this kind of embarrassment. In the face of ethical and legal questions about Clinton-Gore re-election fundraising, Gore had conspicuously distanced himself from the entire operation. Yet was his mere involvement with fundraising newsworthy enough to drive a



week's worth of front-page coverage? And, more importantly, what about the other half of the story? According to Woodward, a Gore fundraiser who was also a telecommunications lobbyist told a firm he represented, DSC Communications, that it would be a good idea to "thank" the administration for awarding the firm a \$36 million contract. The firm then gave the Democrats \$125,000. This raises the specter of real impropriety—although in all likelihood it did not implicate Gore personally—yet the papers gave it scant attention.

It was Woodward, of course, who made famous the advice of Deep Throat: Follow the money. But in the current feeding frenzy, reporters seem to be following the money for its titillation value rather than to sort out serious scandal from what is mere-



ly tawdry. In the aggregate, this kind of piling-on can perhaps stimulate a public clamor for reform. But precisely because the most scandalous part of this story is the most familiar element—the fact that money in Washington routinely buys political favoritism, mostly within the letter of the law—the race to find new fundraising angles every day means the arcane or irrelevant frequently makes the front page, particularly as stories move down the food chain and into the electronic media.

Here in Boston, for instance, the *Globe* pounced on the revelation that Clinton was personally involved with fundraising operations, flogging it with a banner headline. Yet what's wrong with a president, in a re-election year, taking an active interest in raising money for his cause? Much of the Gore coverage centered on the fact that, unlike his predecessors, he directly asked donors for money. But what's the difference if requests are explicit or implicit?

Perhaps nobody has muddied the waters like William Safire, who has spent his second career as a columnist living down his first one as a Nixon aide. For Safire, Clinton's involvement in fundraising improprieties is a dream come true—the Democrats recapitulating Watergate. In fairness, Safire did important muckraking of the connections between Asian-American donors and the Clinton-Gore campaign. But, in a moment of true hyperbole, Safire wrote that the Democrats had finally repeated the “high crime of Watergate,” which Safire defined rather broadly as the abuse of incumbency to win an election. That, of course, was the low crime of Watergate (and of every incumbent since George Washington). Apparently, Safire has forgotten that Watergate involved felonies like breaking and entering, theft, wiretapping, and obstruction of justice.

This kind of treatment leads administration officials to complain, with some reason, about being subject to a double standard: Wealthy donors natu-

**T**he question isn't whether officials raised money, but how fundraising tainted government decisionmaking.

rally gravitate to the Republican Party, after all. For Democrats to keep pace with the Republicans, whose constituents are corporations and the wealthy, they have to ask for money. Besides, on Capitol Hill “shakedowns” are routine business, whether or not they involve actual solicitation in congressional offices. Where was the outcry two years ago after the Republicans invited lobbyists for its most generous corporate

donors into the Capitol, and turned over to them the job of rewriting the nation's environmental, health, and safety regulations?

**T**he administration isn't guiltless. But the real scandal isn't that fundraising calls were made on one credit card rather than another, or that they were made personally by Gore rather than his surrogates, or that Clinton invited fat cats to the Lincoln Bedroom because he had no private ranch like Reagan or LBJ. The real scandal is that politics is so highly driven by money in the first place and that the Clinton-Gore campaign engaged in the same influence-peddling racket as everybody else. The question reporters should ask

is not whether officials raised money, but how that process tainted government decisionmaking.

Consider the Lincoln Bedroom and White House coffee episodes. Although presidents had long given donors special access to the policy process—George Bush

invited members of his “Team 100,” a group of \$100,000 Republican Party soft-money donors, to special briefings with administration officials—the mere fact that Clinton invited donors to the White House for coffee and overnight stays was the basis for countless stories. *Newsweek* went so far as to publish a schematic drawing of the White House, demonstrating which parts were considered the “residence”—where fundraising would be legal—and which parts weren't. Lost in this melee were the reports that regulators had attended coffee

## Gore Was 'Solicitor-in-Chief' In '96 Reelection Campaign

*Some Found Vice President's Directness Inappropriate*

By Bob Woodward  
Washington Post Staff Writer

Vice President Gore played the central role in... millions of dollars...

the administration's "solicitor-in-chief" after Clinton adamantly refused to make direct requests for contributions, according to two senior Democratic officials.

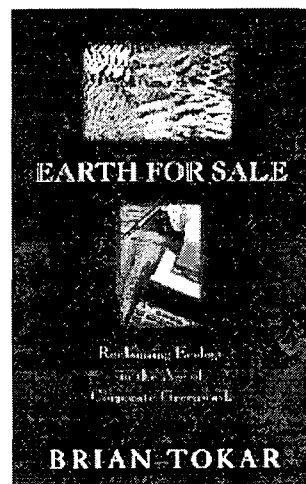
meetings that included corporate representatives in their areas of jurisdiction. This news is potentially far more troubling, as it implies the regulatory process may have been tilted to favor companies that donated to Democratic campaigns.

Even stories about foreign donations have suffered from this problem, albeit to a lesser degree. Since the fall, the *Wall Street Journal* has hammered away at the connection between Clinton and Asian donors. These important stories laid the groundwork for congressional and Justice Department investigations, and they raised the extremely troubling prospect that foreign governments or corporations used donations to manipulate U.S. trade and national security policy. The Clinton administration deserves the criticism it has taken for lowering its guard and allowing contributions from obviously shady sources.

But another troubling question, one that has not received nearly the same level of coverage, concerns the possible connections between the Commerce Department and multinational corporations and how that relationship affected trade policy. Thanks to some investigative work by the *Globe* we now know that Democratic Party fundraisers approached corporate donors shortly after the Commerce Department, under Ron Brown and later Mickey Kantor, aggressively promoted their business operations abroad. If the administration was basing its promotion on likely sources of donations, that would be a real scandal. But this story didn't have strong enough legs to carry it; the *Globe's* findings were barely a blip on the national radar screen.

**A**t this writing, the media is turning its attention toward Congress, where influence peddling is even more rampant—often with even less pretense of propriety. But with an impending congressional investigation into fundraising likely to bring forth even more revelations of shady dealings in coming months, the need for sorting out the news is greater than ever. That “everybody does it” does not condone the current system; on the contrary, the ubiquity of money buying access impeaches the entire role of money in politics. Yet with voters already numb to stories of corruption, overplaying the irrelevant merely reinforces indifference and cynicism—thus making real reform all the more difficult to achieve.□

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# Clean Elections, Continued

THOMAS E. MANN

One might have thought (or at least hoped) that the revelations of scandalous fundraising practices in the 1996 campaign would improve prospects for enacting much-needed reforms, much as tales of the outrageous behavior by the Committee to Reelect the President provided the impetus for the last major rewrite of campaign finance law in 1974. But the Republican leadership in Congress has signaled clearly that its only interest is in focusing public attention on the illegal and improper conduct of President Clinton's re-election effort, not in restructuring the "American way" of financing elections. And congressional Democrats show every sign of wanting an attractive political position to defend in the 1998 midterm elections, not a change in campaign finance law.

Perhaps more discouraging, however, is the disarray in the reform community, nowhere more evident than in the trio of articles on campaign finance in the last two issues of *The American Prospect*. What unites Ellen Miller, John Judis, and Paul Starr is skepticism of two strategies being pursued by reformers—a constitutional amendment giving Congress the power to limit spending and a legal challenge to *Buckley v. Valeo*—and disdain for the McCain-Feingold bill, the reform vehicle of choice of President Clinton,

Common Cause, and the editorial boards of the *New York Times* and *Washington Post*. Their critique of McCain-Feingold is withering. Miller dismisses the legislation as an incomprehensible and ineffectual maze of limits and incentives that fails to deal with the pernicious influence of money in politics. In Miller's view, any campaign finance system that retains a substantial role for private money is fatally flawed. Judis is attracted to the bill's

spending limits but fears it will do little to diminish the preponderance of wealthy donors and might well increase the influence of elite interest groups. Starr faults McCain-Feingold for its failure to provide public financing or to slow the money chase as well as the adverse impact of its PAC ban on the labor movement. All three implicitly agree that it is highly unlikely to pass in

the 105th Congress and that it would do little to advance the important objectives of reform if it did.

While they agree on those approaches of the reform community that they oppose, Miller, Judis, and Starr find less common ground on an affirmative agenda. Miller's Clean Money Option, a voluntary full public finance system based on a proposal approved by Maine voters in 1996, might achieve the populist objectives sought by Judis and Starr by eliminating private contributors to a candidate's campaign. But Judis worries that it would simply shift the locus of political struggle from candidates to interest groups by turning elections into the

## RESPONSES TO

Ellen S. Miller, "Clean Elections, How to," January-February 1997.

John B. Judis, "Goo-Goos Versus Populists," January-February 1997.

Paul Starr, "Democracy v. Dollar," March-April 1997.



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equivalent of referenda battles contested by well-heeled groups. Starr more unequivocally supports the bottom-up strategy of building support for full public financing outlined by Miller, but feels the need for certain auxiliary precautions to deal with the power of incumbency, most notably a constitutional amendment to limit consecutive terms of service in the House of Representatives. Miller is silent on the question of term limits; perhaps she, like me, couldn't imagine a thoughtful liberal seriously advancing an idea so thoroughly discredited during the debates of the last several years. Judis dismisses Starr's concern about entrenched incumbents as "another good government bugaboo."

**S**o what is a faithful *TAP* reader to think? With liberal friends like these, campaign finance reform seems destined for failure, in the 105th Congress and for the foreseeable future.

If the objective, as Starr suggests, is not only to reduce the power of money in elections but also to produce a more equitable balance between the parties (in other words, help the Democrats), this does not seem a propitious time for reform. It's hard to imagine the Republican majority in Congress agreeing to a package of reforms designed to boost the prospects of their partisan adversaries. From this perspective, Miller's proposed long march through the states toward full public financing might be as promising as anything transpiring in Washington. Indeed, Miller dismisses efforts to build bipartisan support in Congress for a package of piecemeal reforms. What's needed, she argues, is a bold plan capable of mobilizing broad and intense public support. Public reactions to the Clean Money Option, as measured in surveys, focus groups, editorial commentary, the Maine vote, and organizing efforts around the country, lead Miller to believe she has found the vehicle for doing just that.

While a serious test of the public's willingness to publicly finance elections is welcome, I am a bit less sanguine than Miller about the outcome. I suspect the public might balk at providing the large sums needed to fully finance campaigns for federal office outside a friends-and-neighbors state like Maine. It is difficult and expensive for candidates, especially challengers, to reach a largely uninterested and disengaged public. Like Judis, I also worry that candidates inside a full public finance system

could be overwhelmed by groups operating outside the regulated system, exploiting issue-advocacy and independent spending loopholes. I also wonder if it isn't important to retain some limited role for private money, as a test of the popular support for candidates before qualifying for public subsidies, as a means of expressing intensity and channeling organizational engagement in the democratic process. But whatever the outcome, Miller's Public Campaign will initiate a public debate about the way we finance our elections that is long overdue.

Should reformers attracted to the Clean Money Option, a constitutional amendment to limit spending, or a litigation strategy designed to overturn *Buckley* keep their distance from the admittedly incremental steps being pursued in Washington? Is it true that the more bankrupt the campaign finance system becomes, the greater will be the likelihood of passing a transforming, comprehensive reform? I think not. A partial step in the right direction will strengthen the reform movement, not weaken it. Policy deadlock will ensure that the campaign finance system goes further out of control, making the repair work all the more difficult. Reformers would be wise to acknowledge the array of political forces that prevents their favored approaches from being adopted, and then to explore what constructive steps might be taken in this environment—an environment in which support from reform-minded Republicans is essential to any steps forward.

**T**his is the approach that my four colleagues (Norman Ornstein, Paul Taylor, Michael Malbin, and Anthony Corrado) and I have taken in proposing a package of reforms to deal with some of the most egregious flaws in the system as it operated in 1996. Designed for consideration in the 105th Congress, our package has no voluntary spending limits, no new restrictions on PACs, no direct public funding. Yet in proposing to ban soft money, limit the blatant political abuse of issue-advocacy, provide free broadcast time to candidates and parties, encourage small donors, and strengthen disclosure and enforcement, we suggest changes in law that could have substantial salutary effects on our electoral process. Judis dismisses our effort as another misguided exercise in good government. He argues that any steps to restrict issue-advocacy will dispro-

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portionately harm labor unions, an assessment we believe is just plain wrong. He believes a tax credit for small donors is pointless, since contributions from lonely individuals do not drive campaigns and influence candidates. And he is offended that we, like other goo-goos, would use free television time as a lever for forcing longer (one-minute) political spots in which the candidate must appear. All and all, Judis fears our proposals would do little to advance the primary goal of political reform, the creation of genuine democratic pluralism, one featuring a more equitable balance of interests in society. It is to his credit that Judis has the intellectual honesty to say that he doesn't have an alternative strategy to advance that goal. But does he really think that the current system will do so?

**I**leave it to readers of *TAP* to judge for themselves whether the Judis critique of our proposals hits the mark. It seems to us that each of our proposals has a good chance of achieving some valued ends without in any way foreclosing additional reforms down the road. The scramble for soft money leads Democrats as well as Republicans to court wealthy individuals and companies; eliminating it makes sense even if Democratic Party committees are more competitive with their Republican counterparts in raising soft than hard dollars. (And remember that the source of the Democrats' competitive position is now the basis of a full-blown scandal; it is unlikely to be matched in future years.) Treating political ads during the election season as express advocacy (and, therefore, subject to federal regulation) is consistent with the purposes of present law; labor will be overwhelmed by corporations in the future if this evasion of the law is allowed to stand. A broadcast bank has greater potential for equalizing resources among parties and candidates than any other plausible measure.

It's time for a little more constructive engagement among campaign finance reformers. Compromise is not a dirty word; it is the currency of our Madisonian system of democracy. The test is whether compromise proposals can move part of the way toward enduring reform. Worthwhile campaign finance reform objectives can be achieved in the 105th Congress, if members of the reform community stop directing their most intense fire at each other and work instead to grasp the achievable.

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## BECKY CAIN

**N**early all of us in the reform community support the call for a long-term, grass-roots-oriented campaign on behalf of comprehensive campaign finance reform, as outlined in these pages by Ellen Miller and Paul Starr. But in the short term, a more immediate problem commands our attention: The explosion in the use of loopholes to get around election laws in 1996 radically altered the landscape of campaign finance.

Unless we act now to address this problem, we risk the most basic safeguards against corruption—safeguards that, while far from perfect, have at least tempered the influence of political money over the last few decades. Incremental reform to close these loopholes will not eliminate the role of organized interests in elections, as John Judis worried in his article, "Goo-Goos Versus Populists." Quite the contrary, it will make those interests accountable while ensuring that big money doesn't overwhelm the system, paving the way for broader reforms down the road.

The place to start is the soft-money loophole, which allows corporations, unions, and individuals to make unlimited contributions that allegedly go to "party building," and not individual candidates. In a year when voter turnout dropped below 50 percent, no one would dispute the need for more voter registration drives and mobilizing. But most soft-money donations—given in hundred-thousand-dollar increments—are now funneled to aid candidates' campaigns. Closing this loophole would be easy: We could apply to the parties restrictions similar to those that now apply to candidates. In other words, we could prohibit parties from accepting direct contributions from corporations or unions, and set limits on the contributions from individuals and political action committees. That would be the end of soft money.

Incremental reform could also close the issue-advocacy loophole. In the last election, organizations spent millions of dollars on ads that promoted particular candidacies but did not count toward contribution or spending limits because they were technically about "issues," not individuals running for office. A ban on issue-advocacy that endangers First Amendment free speech protections is not the

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answer. Instead, we can close this loophole simply by tightening the definition of issue-advocacy and by specifying that any ad with a candidate's name or face appearing after Labor Day be considered a political campaign ad, and thus subject to existing regulations on the source and size of political contributions.

We could do much the same thing for independent expenditures. Currently, individuals and organizations can spend unlimited amounts of money on behalf of a candidate so long as the activities aren't officially coordinated with the candidate. The problem again is legal semantics. We need to broaden the definition of coordination to ensure that expenditures are truly independent of the campaign. Under a revised law, for example, we could define the sharing of consultants by candidates and ostensibly independent groups as coordinated activities—thus reigning them in under current campaign finance laws.

**I**t is true that more sweeping reform measures would take care of these problems. Unfortunately, the anti-reformers won the 1996 election. A brief survey of the leadership in the House and Senate suggests that no one should hold her breath awaiting comprehensive reform legislation. House Speaker Newt Gingrich publicly argues that we need more money in politics, not less. And Senator Mitch McConnell has already announced that he can block any bill that limits spending by candidates—the heart of previous reform proposals. At the same time, the Democrats have missed the opportunity to become the party of reform. Once Senator McConnell said he would filibuster any bill containing spending limits, the Democrats reconfirmed that spending limits would be the cornerstone of their proposals. Given the current leadership, limited reforms targeting these loopholes stand a better chance of becoming law.

Campaign finance was a problem long before 1996, but the new channels for private money that bypass contribution limits, combined with the ineffective enforcement of existing laws, have set the stage for a breakdown of all meaningful safeguards. We should be laying the groundwork for comprehensive reform. At the same time, we should also be pursuing the kind of incremental, achievable, and responsible reforms that might keep the system from going completely out of control.

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## ELLEN S. MILLER

**I**t is heartening to read Thomas Mann and Becky Cain, each longtime and committed advocates of electoral reform, offering welcome and constructive words of support for the Clean Money Option, which I described in my article in the January-February issue of *The American Prospect*. Beneath Mann's overall praise, however, are several concerns that can be easily answered. Mann, as well as John Judis in his earlier piece, questions whether the public will embrace the Clean Money Option. In fact, there is ample evidence that Americans will support it, particularly when such a system is linked to an end to private special-interest funding and overall limits on spending. As for Mann's and Judis's worry that virtuous candidates operating within such a system could be overwhelmed by outside forces exploiting loopholes like independent expenditures, the Clean Money system addresses that by supplying complying candidates with additional equalizing funds. (Model federal legislation contemplates a match of up to 5 times the candidate's initial funding.) And the Clean Money Option does retain a legitimate role for private money as a test of popular support—in the form of the substantial number of \$5 contributions candidates have to raise before qualifying for public financing.

There is one critical difference between the reform community consensus represented in these pages by Cain, Judis, Paul Starr, and myself on the one hand, and the mix of proposals offered by Thomas Mann and his four colleagues on the other. Mann argues that reformers should tailor their proposals to the realities of the current political environment (even while he admits that environment is completely hostile to *any* changes in current law); the rest of us are concerned with measuring short- and long-range efforts against the bedrock principle that must guide all reform efforts: Will proposed changes bring greater political equality and democratic accountability?

The smorgasbord of ideas offered by Mann and his colleagues is tempting, until you look deeply into what is actually proposed. In an effort to lure reform-minded Republicans into dining with their colleagues across their aisle, they would intensify some of the problems of the existing system. Take their approach on soft money. Mann tells us that his



goal, which we share, is to "eliminate" it. But what he fails to mention is that his pitch to the 105th Congress does so at the cost of raising hard-money contribution limits. The rest of the reform community may have some internal disagreements on the nuances of our proposals but on this point there is unanimity: Any legislation that increases the clout of the wealthy few who already give the vast bulk of all political contributions is "deform," not reform.

The same goes for the Mann group's servings on broadcast time for candidates and tax credits for small donors. A broadcast bank might indeed help under-financed challengers to at least air their views. But handing out airtime to candidates without requiring any reciprocal limits on their fund-raising or spending will simply become one more public subsidy of candidates and the same group of big-money interests that now dominate the electoral system. Likewise, giving small donors a \$100 tax credit without doing anything about the overall system of special-interest funding of campaigns just has the effect of throwing good money after bad. Right now fewer than 20 percent of campaign contributions are under \$200; tax credits, by themselves, will not change that imbalance much.

As for their other proposals, no one takes issue with the need for stronger disclosure requirements and tougher action by the FEC. Nor is there much disagreement with the need to clamp down on abuses in spending on issue-advocacy by insisting, for example, that so-called "independent expenditures" by parties or political action committees be treated as campaign spending on behalf of candidates and regulated as such.

But let's not kid ourselves. These measures—particularly if coupled with raising contribution limits—will not produce "substantial salutary effects" on the electoral process. Nor, more critically, can they possibly galvanize the kind of public engagement needed to push any changes in the laws through Congress. There may be incremental steps along the way to our long-term goal—indeed the Clean Money Option is only one in a series of steps that must be taken to restore vitality to our democratic process—but we must not fool ourselves into thinking that partial steps are more than that. Having said that, I welcome Mann and his colleagues' participation in the new debate that is now beginning on campaign finance—a debate that focuses on how to stop the money chase, eliminate

the conflicts of interest created by private financing, and encourage all citizens, regardless of their access to money, to participate fully in the political process.

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## PAUL STARR

**T**homas E. Mann must so like instructing others in the virtues of compromise (which, to be honest, I enjoy doing myself) that he has failed to notice the little contradiction in his own argument. Mann begins by acknowledging that the "Republican leadership in Congress has signaled clearly that its only interest is in focusing public attention on the illegal and improper conduct of President Clinton's re-election effort, not in restructuring the 'American way' of financing elections." Yet he ends by saying, "Worthwhile campaign finance reform objectives can be achieved in the 105th Congress, if members of the reform community stop directing their most intense fire at each other and work instead to grasp the achievable." It will not have escaped his notice that the Republican leadership runs the 105th Congress and determines what it is achievable. To be sure, the previous Congress did enact an increase in the minimum wage over the objections of Republican leaders, but that concession helped members of their own party get re-elected. Genuine campaign finance reform, on the other hand, would eliminate one of their considerable advantages in maintaining power.

Political realism does not always consist in working from the inside. Sometimes the most realistic course is to work from the outside in—building pressure for change by organizing popular protest in anticipation of a time when reasonable compromises really are achievable.

This was exactly my purpose in linking campaign finance reform with term limits. The supporters of term limits are at a dead end and need new allies, though they may not realize it. The supporters of campaign finance reform need some way to peel off conservatives from defense of the current electoral finance system. The two groups should be talking to each other. Like the strange bedfellows who have come together in the protest against corporate welfare, they might be able to reach across the ideological divide. And in so doing, they might change the political calculus of the possible.□

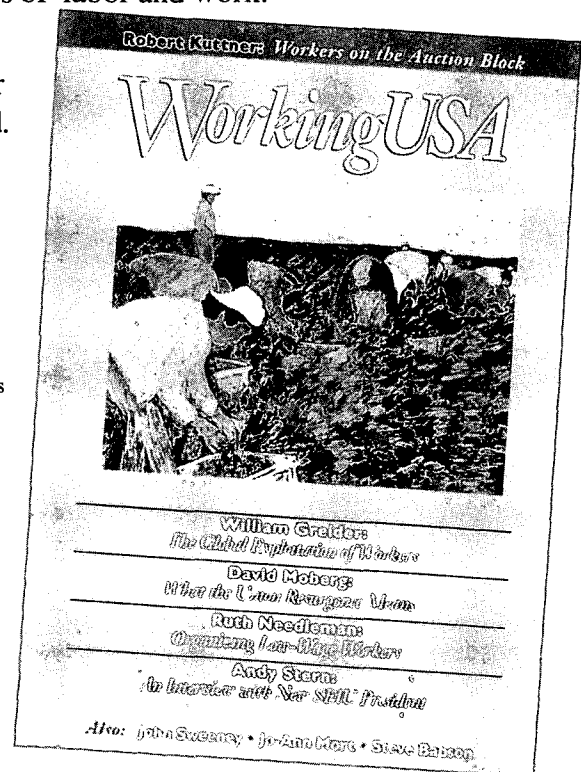
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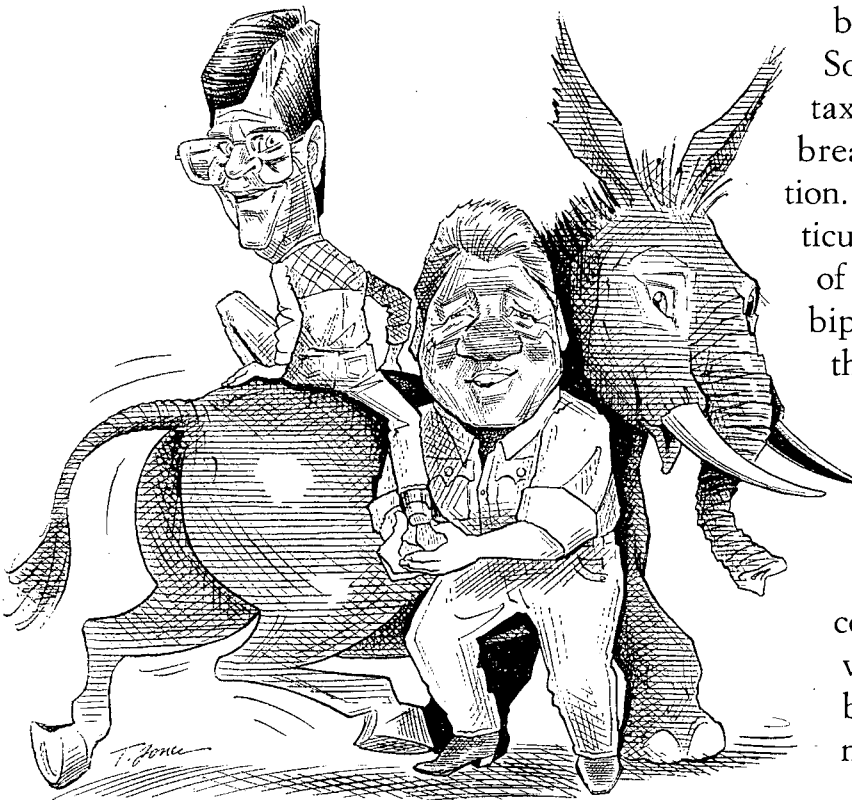
AP597

# UP FROM BIPARTISANSHIP

BY ROBERT B. REICH

Conventional political opinion holds that Democrats should henceforth engage in an orgy of bipartisanship. According to this view, Americans are converging at a new center somewhat right of the old center; they want their leaders to work constructively together; and they desire only incremental change—witness the rejection of health care in 1994 and the Contract with America in 1995. The President successfully co-opted the issues of crime, welfare, and fiscal responsibility, leaving Republicans with little to say. Now, it is supposed, Democrats should cement their claim on the center. They should agree with Republicans on a plan to balance the budget, extend NAFTA to Latin America and Asia, ensure the short-term solvency of the Medicare trust fund, make a respectable start on reforming Medicare and Social Security for the long term (which may entail “privatizing” part or all of either one), adjust the Consumer Price Index so that it no longer overstates inflation

(a move that helps balance the budget and eases the pressure on Social Security); cut capital gains taxes somewhat; and provide tax breaks for post-secondary education. When necessary to assuage particularly vocal constituencies on any of these issues, they should create bipartisan commissions or panels that will make expert recommendations with which “opinion leaders” and pundits in Washington and New York will agree. All the while, they should do symbolic things that cost very little but exhort the private sector to take action. Hold bipartisan conferences with business leaders. Engage in biparti-



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san praise of charitable acts—of companies hiring former welfare recipients, of religious and civic groups cleaning up their communities, of individuals who “make a difference.” In short, Democrats should become moderate Republicans.

This conventional view does reflect a public weariness with partisan wrangling and ideological posturing. Party affiliation is waning. Washington “gridlock” has bred cynicism. Agreements reached at the end of the 104th Congress to raise the minimum wage, to ensure the continued eligibility for health insurance of workers who had lost theirs when they lost their job, and to “reform” welfare improved the public image of both Congress and the President, and contributed to the victories of incumbents last November at both ends of Pennsylvania Avenue. And it is axiomatic that when the federal government is in the hands of a Democratic president and a Republican Congress in which Democrats have enough votes to sustain a veto or to block legislation in the Senate, some agreement ultimately must be reached if anything is to get done.

The question comes down to where agreement is reached—how much ground Democrats must concede in order to achieve bipartisanship, on what issues they actively and visibly seek compromise—or, alternatively, where and how hard Democrats fight, and how willing they are to hold their ground. The conventional view that bipartisanship is good in and of itself, especially if it congeals around moderate Republicanism, is misleading and dangerous—misleading because it ignores a large and growing portion of the potential electorate who are economically stressed and politically disaffected, dangerous because in so doing it could render the Democratic Party irrelevant and leave this segment of the American population even more disaffected, economically isolated, and susceptible to demagoguery.

#### FEEBLE CENTER

When Arthur Schlesinger, Jr., wrote his book, *The Vital Center*, in 1949, the center was resolutely liberal. Today, the supposed national consensus is on terms dictated by the center-right. Half a century ago, Schlesinger could write that since Roosevelt, “One has been able to feel that liberal ideas had access to power in the United States, that liberal purposes were dominating national policy.” The vital center, Schlesinger observed, was a liberal center, because it not only empowered the individ-

ual both by providing opportunity but also by shielding the individual from brutal social forces.

For all the magnificent triumphs of individualism, we survive only as we remain members of one another. The individual requires a social context, not one imposed by coercion, but one freely emerging in response to his own needs and initiatives. Industrialism has inflicted savage wounds on the human sensibility; the cuts and gashes are to be healed only by a conviction of trust and solidarity with other human beings.

This was the liberal center of a half century ago, not today.

**B**egin with the economic stress. The national economy is growing at a healthy clip, and we are currently blessed by a combination of low unemployment and low inflation. The so-called “misery index,” a combination of both measures, is at its lowest level in 30 years. But it is important to note the unevenness of this benign picture. Most of the growth is going to people at the top, whose incomes have soared. Average wages are rising, but the median wage is barely inching upward, and even this measure hides the fact that a substantial portion of the workforce is still losing ground—following a trend that began in the late 1970s.

Nor do wages tell the whole story. Employer-provided health and pension benefits are declining or disappearing at a rapid rate, particularly for lower-income workers with only high school degrees. Job insecurity is high, especially among those with low or no special skills. Overall levels of unemployment may be low relative to recent history, but more than 10 percent of the adult population of the United States remain either unemployed, or working in part-time jobs when they would prefer full-time jobs, or too discouraged even to look for work—and this percentage reaches 14 percent among those whose formal educations end with high school.

The long-term trend toward income inequality has slowed, largely because labor markets have tightened and a larger portion of the poor or near-poor have found jobs. Such is to be expected at this stage of an economic expansion. But, according to data from the Census and the Bureau of Labor Statistics, earnings inequality among people who have jobs continued to widen through the



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fourth quarter of 1996 (the last date for which we have data). This is not a statistical fluke; it has nothing to do with how we measure productivity improvements or changes in the cost of living. Every rung on the economic ladder is farther apart than it was 4, 8, or 16 years ago. On few other economic issues is there as much unanimity among researchers. The enduring expansion is surely helping those in the bottom half of the workforce, but the structural trends lying just behind the business cycle—trends having more to do with technological change and global trade and investment than with fiscal and monetary policies—continue to exert powerful centrifugal forces. Unless these deeper trends are addressed, America will maintain its course toward a two-tiered society of have-mores and have-lesses.

**C**onsider now the political dimension. Those in the bottom half of the income distribution are voting less. Data comparing the midterm elections of 1994 with 1990, and the presidential elections of 1992 with 1996, confirm the trend. According to the Census, fully 60 percent of Americans with family incomes over \$50,000 voted in the 1994 midterm elections, marking a very slight increase in participation of this group from the previous midterm election in 1990, in which 59 percent voted. By contrast, just 27 percent of those with incomes under \$15,000 turned out in 1994, markedly lower than the 34 percent of them who voted in 1990. In the presidential election of 1996, a lower percentage of the voting population turned out than at any time since 1924—seven million fewer people than in the presidential election of 1992. Preliminary evidence suggests that almost all of the new nonvoters were from households earning less than \$50,000 a year; three-quarters of them had ended their formal education with high school.

When lower-income people do vote, they tend to vote for Democratic candidates. Those who failed to vote in 1994 but were lured back to the voting booths in 1996 comprised fully a fifth of the electorate last November, and they voted three to one for Clinton. If the same portion of the electorate that voted in the 1992 presidential election had been lured back in 1996, there is a high probability that Democrats would have reclaimed the House of Representatives, if not Congress as a whole.

The telling point is that Democrats did not lure

them back. I am not aware of any surveys explaining unambiguously why the nonvoters of 1996 stayed away from the voting booths, but it seems a fair guess that they refrained from voting because they assumed it would make little or no difference to their lives. Lower-wage Americans, in particular, are voting less because they see less reason to vote. Their disconnection from politics and government became vividly apparent to me over the four years I was Secretary of Labor, during the first Clinton administration, when I undertook a kind of free-floating “focus group” across America. I spoke with thousands of people working in factories, hospitals, offices, retail shops, coal mines, telemarketing centers, and in the fields. The vast majority of these people earned below the median wage, and were under significant economic stress. Many were struggling to keep themselves and their families out of poverty. Most worked more than 40 hours a week, whether at one job or several. Only a minority of the people I met had health insurance or an employer-provided pension. Their concerns were almost always the same: having enough money to pay the rent or mortgage, meet the car payments, and buy clothes and food (prices were rising faster than their wages, they often said); coping with the possibility that a member of their family would require hospitalization or otherwise become seriously ill; finding safe and affordable child care services for their younger children when they had to be at work, or taking care of their children when they became sick; and getting their children a good education, which they understood was the necessary prerequisite to a good job. A large majority worried about themselves and their spouses keeping their jobs.

As the economy improved during the four years, fewer people told me there were “no jobs” to be had, but in every other respect the stories I heard did not change. The people I met were “coping,” but they felt they were on the verge of adversity. Almost always they asserted they were managing on their own and without help; many were proud of what they were achieving against high odds. They did not think they were entitled to handouts. Nor did they trust large institutions to help them—be they companies, unions, political parties, or state and federal governments. Sometimes they blamed corporations or government for their predicament; occasionally they blamed immigrants, welfare recipients, or foreign trade. But for the

most part, they did not impute blame. The stresses they felt were, in their view, the result of impersonal forces over which they had no control, and with which they had to deal on their own. Politics was irrelevant to their lives. They saw no connection between the actions (or inactions) of Washington leaders or their representatives in state capitols, and these mounting stresses. They perceived little difference between the parties.

I do not claim that my sample—although large and often in-depth—was either representative or necessarily sincere. After all, the people with whom I spoke usually knew I was the Secretary of Labor. But what I heard bore strong resemblance to the results of polls and focus groups that political consultants shared with me during these four years. Moreover, the fact that so many low-income Americans would tell me, in my official capacity, that they did not feel that government was helping them deal with the daily challenges they faced, suggests that my sample may, if anything, have understated the actual extent of their disconnection from political life.

One conclusion that can safely be drawn is that the party of nonvoters is larger than either the Democratic or the Republican parties. Another conclusion, almost as safe, is that if Democrats move toward bipartisanship in pursuit of traditionally moderate-Republican goals, the party of nonvoters will continue to gain converts from erstwhile Democrats who see even less reason to go to the polls. The political consequences are not difficult to predict: The major beneficiaries of this continuing erosion will be congressional Republicans, whose majorities would swell after the 1998 midterm elections—putting them in a strong position to pillory the White House for the 22 months leading up to the presidential election of 2000.

Meanwhile, the rightward drift of the White House will have further eroded support among traditional Democrats. Al Gore will not stand a chance. The formidable bloc of lower-wage nonvoters will attract the attention of political opportunists hailing from the extreme right or left, who sense possibilities for mobilizing these potential voters by stirring latent resentments. Pat Buchanan tried with some degree of success, even as the economy was expanding. Should the economy turn sour between now and 2000—a not unlikely possi-

bility—the resulting stresses on lower-wage workers could well invite a combustible mix of xenophobia, nativism, and racism, unless these disaffected voters have a more constructive alternative toward which to turn.

**T**he only way to begin to win them back is to address their everyday problems, and do so in a manner that distinguishes Democrats from Republicans. This does not mean Democrats must abandon the center, or disavow moderation. To the contrary, the new progressive strategy must maintain the center ground while reclaiming the traditional Democratic base of lower-wage workers. It should not require choices between “new” Democrat and old, between the suburban middle class and the downscale, between “family values” and the economy, or between the “free market” and government. These distinctions are lost on most working people. Any successful progressive coalition must embrace both the middle class as well as those below it, address economic stresses that are inextricably related to stresses on family life, and shift the conversation away from the size of government

and away from false choices between central planning and free markets, which are Republican obsessions that have only distracted attention from the practical problems of ordinary people. The strategy must instead contain a few bold initiatives that will clearly reduce economic stresses on working families.

Importantly, the new progressive strategy should be based not in ideology or class but in common morality. Here too, I draw on my informal focus groups. Again and again, average working people talked to me about the economy and their families in moral terms. The two central responsibilities of adulthood, they asserted, were working and parenting, and the two are closely related. A willingness to work hard in order to support one’s family and a desire to be a good parent are the preconditions upon which all else depends. To the extent that the rest of society has a responsibility as well, it is to help people achieve these two ends. Even though most of those with whom I spoke felt that they could not count on the rest of society to adequately support them in these ways, they readily

The party of  
nonvoters is  
larger than  
either political  
party.

agreed that society should be supportive. Indeed, they asserted that they owed such support to others less fortunate than they.

### A NEW PROGRESSIVE CENTER

This moral core of American capitalism is seldom if ever articulated, but I felt its force in many of the controversies of the last few years—notably, the struggle to raise the minimum wage, the debate over the Family and Medical Leave Act, the campaign to eradicate sweatshops within our borders, the movement against child labor abroad, the public response to mass layoffs by profitable companies, and the 1996 budget battle over education and training. In each of these instances, a large majority of Americans supported public action, not because they would personally benefit from it but because they were morally offended by the consequences of inaction. Raising the minimum wage was the clearest case in point. In poll after poll, between 75 and 85 percent of Americans consistently were in favor. Only a tiny fraction of these supporters would directly or indirectly benefit from the proposed raise; in fact, were it to go into effect, many would end up paying marginally higher prices for certain goods or services. Yet there was a strong consensus that people who work full-time should receive a wage sufficient to lift them and their families out of poverty. A higher minimum wage was a step toward this goal. A similar broad majority supported the Family and Medical Leave Act, on the ground that someone should not lose a job because a sick child or elderly parent requires their attention.

Others of the issues I listed ignited public indignation, which in turn compelled remedial action by the private sector. And here too, public concern was rooted in morality rather than self-interest. Our discovery of sweatshops in Los Angeles and New York—in which immigrants (legal and illegal) were paid pennies an hour and subjected to dangerous working conditions—precipitated a consumer movement against sweatshops, and forced mass retailers and large manufacturers to establish monitoring systems to inspect the cutting and sewing shops with which they dealt. The revelations about the employment of very young children in South Asia had a similar effect. The spate of large-scale layoffs by profitable companies—culminating in AT&T's stunning announcement in January 1996 that it would lay off 40,000 workers despite its posi-

tive balance sheet and the bonuses it subsequently awarded its top executives—generated sufficient outrage as to briefly make “corporate irresponsibility” a political issue even in the Republican primaries, perhaps slowing the downsizing trend. (By the spring of 1996 I was regularly receiving phone calls from chief executives seeking to reassure the administration that the large “restructuring” they were contemplating would result in few if any job losses.) And the frantic eagerness of Republican appropriators to add funding for education and job training, just before the November elections, reflected polls evincing sharp public disapproval of Republican-sponsored cuts in this area.

Behind the struggle over welfare “reform” lurked the same core ideas about work and responsibility. Most people around the country with whom I spoke expressed opposition to the very idea of welfare, and polls underscored the deep-seated antipathy. Welfare recipients are considered “undeserving” poor, in contrast to the working poor (whose wages should be raised) or to people who have lost their jobs through no fault of their own and receive unemployment compensation. Some of the distinction may reflect racism and the false assumption that most welfare recipients are young black women. But my conversations, confirmed by a number of polls, suggested that the major reason for the public's negative view of welfare is that it conflicts with the moral premise that able-bodied people should be working. That premise now applies even to mothers with young children, which marks something of a change in attitudes. As the proportion of working mothers with children under age six rose dramatically—from less than 20 percent of mothers with young children in 1960 to over 50 percent by the early 1980s—public expectations seem to have shifted. If a majority of mothers with young children worked, the public seemed to be saying, what was the moral justification for giving welfare to some who apparently chose not to?

I stress this core set of beliefs about the morality of work, and the reciprocal social obligations it generates, because I think it offers a way for Democrats both to talk convincingly about where we need to move as a society and also to focus on several issues that will engage the party of nonvoters. For starters, begin where the minimum wage and Family and Medical Leave Act ended, and consider the next set of minimum standards at

work. One might require from employers a minimum level of health insurance for an employee and a dependant. No large bureaucracy would be needed to implement such a requirement. Government would need only to specify the contents of the minimum health insurance, just as government specifies the minimum wage. No single business would be put in competitive jeopardy because all businesses would bear the same minimum cost per employee, as is true of the minimum wage. Much of the cost would be passed on to consumers in any event. Even if the minimum health insurance package ended up adding another two dollars an hour to payrolls, the effective minimum wage plus minimum health would still be lower than the real minimum wage of the late 1960s (in 1997 dollars).

A related step might be to assure safe and affordable day care for preschoolers, along with meaningful family medical leave from work for parents of school-age children bedridden with common childhood infirmities like the flu, a bad cold, or the chickenpox. Working parents in my free-floating focus group returned to these problems again and again. It is simply not true that working parents easily can rely on extended families or their own parents to provide child care. They worry that the only child care they can afford is neither safe nor adequate. Democrats should press for a refundable child care tax credit, providing lower-wage working parents with up to \$2,000 per year in child care expenses, and middle-income working parents a direct credit off their taxes up to \$2,000. Moreover, the Family and Medical Leave Act, as currently designed, covers only "serious" health conditions requiring medical treatment and visits to the doctor. In more common situations, parents now have no protection against job loss. Yet recent studies show that one in six working parents with young children stays home with a sick child for an average of four weeks or more per year, often thereby jeopardizing their jobs. Expand the FMLA to cover common child ailments keeping parents home. Expand it also to provide for paid maternity leave of up to six weeks. Most women executives or professionals already receive paid maternity leave; the United States is the only industrialized nation that does not extend this benefit to all working women.

Move now to welfare, and to the implicit societal

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obligation lying behind its "reform"—which must be to ensure that anyone who loses welfare benefits and who needs a job can find one. The moral logic here extends beyond the welfare population, to all people who want and need work in our society. On this point, the vast majority of the public agree: It is not enough that someone be ready and willing to work. There should be a job. That monetary policy is now engineered to lift short-term interest rates when the official rate of unemployment sinks much lower than 5.5 percent presents a logical inconsistency with this principle that has not deeply permeated the public's consciousness. And that is precisely the point. Democrats should use welfare reform as a way to revive the debate over the best means of assuring "full employment."

If the Federal Reserve Board is certain that long-term interest rates will soar if it cuts short-term rates any more than it already has, then we are left with only two choices. Either the private sector voluntarily must create additional private-sector jobs for all those who cannot find other employment—a highly implausible outcome—or government must create public-service jobs for them. Spotty "workfare" programs for former welfare recipients will not be adequate, because the pool of unemployed adults extends far beyond those on welfare. Ultimately, we will need a new Works Progress Administration, the cost of which might plausibly be borne by businesses in the form of a very small (1 percent) corporate tax earmarked for public-service jobs where no private-sector jobs are available.

Another minimum requirement: Profitable companies intent on shedding workers should be required to provide six months of severance pay, so that employees can find and train for new jobs. Few events are as traumatic to working families as the sudden loss of a job. Unemployment insurance covers only about a third of job losers. And here too, my "focus group" spoke repeatedly in moral terms: Common decency demands that loyal workers not be treated like disposable pieces of machinery.

**T**he third moral principle at the core of American capitalism is that people should be able to make the most of their talents and abilities. Public support for education has been a feature of American life since the early



nineteenth century, culminating in the great "high school" movement of the early decades of the twentieth century and the vast extension of state-supported higher education in the two decades after the Second World War. But not since the GI Bill and the National Defense Education Act in the 1950s has the federal government taken a bold lead. The President recently stated that education and training will be the central focuses of his second administration, but the problem is one of scale. The federal government is still a bit player in elementary and secondary education, providing only 8 cents of every dollar devoted to it. The federal share of elementary and secondary education costs has actually declined in the last quarter century. Half of the revenues supporting K-12 education come from local property taxes, the distribution of which has become ever more skewed toward affluent townships. The start of another demographic wave is further straining state and local resources. During the next decade an additional three million children will enter our nation's primary schools, and high school enrollments will increase 15 percent. Simply to maintain current levels of services will require an estimated 190,000 additional teachers, 6,000 more schools, and approximately \$15 billion in additional operating expenditures. Nothing so far proposed in the federal budget comes close to dealing with this challenge.

Voluntary national standards are a starting place, not an ending place. Significant resources are needed, and the federal government must step into the breach. Democrats must also talk straightforwardly about what to do with schools that don't measure up. Putting them under "state receivership" will not necessarily guarantee improvements. School "choice" is a fine concept so long as the poorest children or those who are the most difficult to teach or to discipline do not end up dumped together in the worst schools. Parents are clearly worried about their schools, and lower-income parents have the most to worry about. One possibility: In return for sharp increases in federal assistance, the states, school districts, principals, and teachers should agree to achieve specific improvements in performance. A second possibility, which also deals with the problem of finding safe and affordable child care for school-age children of parents who work: Extend the school day to 5:30 p.m. The conventional school day ending at 3 p.m. is a vestige of an agrarian economy in which

children were needed in the afternoon on the farm. But it has become a major burden to working families. Federal funding should be conditioned on all-day operations. A third possibility, rendered only marginally more possible by the President's proposed \$1,500-a-year educational tax credit: A thirteenth and fourteenth year of education for all, centered on computer literacy, problem solving, and basic work skills. The new economy demands it. The extra federal funds needed to accomplish these three goals—tens of billions of dollars a year—should come directly out of "corporate welfare" in the federal budget. Eliminate the tax loopholes and spending subsidies going to specific companies and industries, and earmark the savings for education.

**I**n sum, build on the three moral principles at the core of American capitalism: Someone who works diligently should have a minimally decent job including minimum health care, child care, and severance pay in the event of a layoff; anyone who wants and needs a job should get one, including a public-service job if none is available in the private sector; anyone who wants to get ahead or give their children an opportunity to get ahead should have a good school, meeting national standards, which operates full-day, and extends through fourteenth grade.

This is hardly a radical or even a terribly liberal agenda. It is not particularly redistributionist, nor does it rely heavily on the state. Nor does it challenge values that most Americans hold dear. On the contrary, it helps make them a reality. It holds companies accountable to employees and communities, not by exhortation, but through minimum standards and contributions which improve the odds that prosperity will be widely shared.

Most Americans value a society whose ground rules allow ordinary people to work hard and to parent well, without having to sacrifice the one for the other, or to worry that their loyalty to their job will not be reciprocated. Alas, that ideal is far from today's prevailing social reality and far from today's political center, with its simple celebration of entrepreneurship, fiscal balance, and small government. With the right so squarely in the saddle, this is the wrong moment to seek a bipartisan consensus for its own sake. To combine the best of the liberal legacy with a new progressivism, we need nothing so much as a new partisanship. □

# THE HIDDEN PARADOX OF WELFARE REFORM

BY CHRISTOPHER JENCKS

**W**hen Bill Clinton first sought the presidency, he promised to “end welfare as we know it.” Instead of letting single mothers stay home until their children were fully grown, he argued that mothers who sought government help should go to work within two years. Polls showed overwhelming popular support for this change, but there were two big problems. First, some welfare recipients are only marginally employable. Second, welfare mothers who find jobs mostly earn between \$5 and \$7 an hour. Since that is not enough to support a family, they still need help paying their bills if they are to keep their families together.

To solve these problems, Clinton made three proposals. First, he pushed through a big increase in the earned income tax credit (EITC). If a single mother with two children earns \$5 an hour and works 35 hours a week throughout the year, she now gets a refundable tax credit of \$3,556—an extra \$1.95 for every hour she has worked. Next, Clinton asked Congress to make all employers offer their workers health insurance. Congress rejected that proposal. Finally, Clinton proposed that the government should serve as an employer of last resort for mothers who could not find any other job after two years on welfare. That proposal died after the Republicans won control of Congress.

The Personal Responsibility and Work Opportunity Reconciliation Act, which the Republican Congress passed and Clinton signed last summer, assumes that raising the minimum wage to \$5.15 and expanding the EITC will suffice to ensure that all working mothers can pay their bills. The law deals with mothers whom nobody wants to hire by allowing states to exempt up to 20 percent of their caseload from its five-year lifetime limit on welfare receipt. These solutions reflect the usual triumph of hope over experience.

**WHY SINGLE  
MOTHERS  
MAY EARN  
MORE BUT  
DO WORSE**

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The first thing to recognize about the new law is that its most important feature is not the time limits that have gotten the bulk of media attention but the transfer of power from Washington to the states. The new law replaces Aid to Families with Dependent Children (AFDC) with a program called Temporary Assistance for Needy Families (TANF). Under AFDC, every dollar that a state appropriated was matched by \$1 to \$4 of federal money. (The matching formula was more generous for poorer states.) Under TANF, states get a federal block grant whose size is essentially fixed. If a state wants to spend more than it has in the past, either because the cost of living has risen, because it has more single mothers who need help, or because mothers who have hit their time limit cannot find work, it will now have to pay the full cost from its own funds. Conversely, if a state limits eligibility for TANF or cuts benefits, it can (within very broad limits) keep every dollar that it saves. Instead of paying 20 to 50 cents for a dollar's worth of charity, states now have to pay a full dollar.

Raising the cost of altruism almost always reduces its frequency. Once legislators digest the fact that cutting TANF outlays by a dollar will add a full dollar to the funds available for more popular programs like schools, convention centers, or tax cuts, single mothers' share of their state's budget will almost inevitably shrink. Since the federal block grant will not rise with inflation, its real value will also shrink. To get out of the resulting fiscal bind, states will have to tighten their time limits, let benefits lag behind inflation, or both. More than a third of the states have already adopted time limits more restrictive than the ones Congress mandated. As the fiscal crunch intensifies, more and more states will presumably follow this path.

### WILL MOTHERS FIND JOBS?

Falling real benefits and tighter eligibility standards will obviously force more single mothers to seek work. No one knows how many will find it. In the past, most welfare mothers found work once their children no longer required constant supervision. (Benefits end when a mother's youngest child turns eighteen. Most mothers left the AFDC rolls before that happened.) TANF will force mothers to begin working sooner than they otherwise would

have. But once the labor market adjusts to the influx of relatively unskilled women, most former recipients will probably find some kind of work.

Nonetheless, two problems are certain to arise. First, there will be a significant minority of mothers whom nobody wants to hire, even at the minimum wage. That has always been true among men, and among women without children. It will be true among single mothers too.

The second problem is that unskilled work is usually unstable work. A cost-conscious employer who can train people to fill a position in a few days has no incentive to

keep them on the payroll when demand is slack, when they frequently miss work because of a sick child, or when their supervisor gets mad at them. Unskilled adults tend to be unemployed at least 10 percent of the time. During recessions, the figure is much higher. In poor inner-city neighborhoods and depressed rural areas, it is higher yet. As a result, a lot of unskilled mothers who work whenever they can will nonetheless be out of work fairly often. Some of these women are likely to hit their TANF time limit before their children are grown, especially if they live in a state that sets its lifetime limit at less than five years.

When that happens, welfare workers and legislators who care about the poor will probably push for more "flexible" time limits. That could be a political disaster. There is no reliable way to distinguish those who cannot find work from those who merely prefer not to work. As a result, "flexible" time limits will tend to make work requirements meaningless. Without work requirements, support for single mothers will dry up. Offering long-term support to single mothers who did not work made political sense in 1935, when Congress created AFDC, because married mothers seldom worked then. But that era is long gone. Now that most married mothers work, single mothers must do the same if they are to have a strong claim on public sympathy and assistance.

In theory, welfare mothers who are truly unemployable ought to qualify for federal disability benefits. In practice, many do not. There is no objective way of deciding whether applicants for disability benefits are capable of working. A "compassionate" system whose primary goal is to make sure that the unemployable always get benefits

Unskilled  
work is usually  
unstable work.

inevitably allows a lot of malingerers on the rolls, enraging their neighbors. A "tough-minded" system that excludes everyone who might be a malingerer inevitably excludes many other people who really cannot work. Since 1981, Washington has chosen to err on the side of tough-mindedness rather than compassion.

Given all these difficulties, liberals' best response to the fact that some mothers cannot find work is not to push for more flexible time limits but to revive the principle that the government should serve as an employer of last resort when mothers cannot find any other job. This is particularly important during recessions. Without a back-up system of public employment, states will either have to fudge their time limits or let a lot of destitute families break up.

### WILL MOTHERS EARN ENOUGH?

Even when unskilled single mothers find jobs, they seldom earn enough to support a family. Since a working mother earns far more than she gets on welfare, this may seem puzzling. In 1996, the average state gave a single mother with two children \$4,668 in cash for the year. If she took a job paying \$5 an hour and worked 35 hours a week, she could earn \$9,100. She could also get \$3,556 from the EITC, bringing her total income to \$12,656. If a mother can survive on \$4,668, how could she be worse off on \$12,656?

One answer is that welfare mothers do not survive on \$4,656 a year. A new book by Kathryn Edin and Laura Lein, called *Making Ends Meet*, provides the best currently available evidence about how working affects an unskilled single mother's standard of living. Edin and Lein studied mothers in four metropolitan areas (Boston, Chicago, San Antonio, and Charleston, South Carolina). Most of the interviews were done between 1990 and 1992. Roughly half the mothers received AFDC. The other half held low-wage jobs, most of which paid between \$5 and \$7 an hour. [Edin and I originally reported similar findings in the first issue of this magazine: Christopher Jencks and Kathryn Edin, "The Real Welfare Reform Problem," *TAP*, Spring 1990.]

Neither welfare nor low-wage work paid enough to cover these mothers' bills. Every mother had to supplement her income from these sources in some way. Some got extra money from relatives, boyfriends, or the absent father of their children.

Some worked off the books. Some did both. Those on welfare had more "irregular" income than those who held regular jobs, but because low-wage work paid far more than welfare, the working mothers' total income was still considerably higher than the welfare mothers' income.

Nonetheless, the working mothers reported more material hardship than the welfare mothers. How can this be? The answer is simple. A single mother's expenses rise sharply when she takes a job:

- Newly employed mothers usually have to pay for child care. (Most mothers who can get free child care are already working, either formally or informally.)
- Most newly employed mothers have to pay for transportation to work. They also need to get their children to and from child care. So they usually need an automobile.
- Because newly employed mothers have more cash income, their food stamp allotment is cut. After various deductions, each \$100 of extra earnings brings a \$24 reduction in food stamps.
- If newly employed mothers have a federal housing subsidy, every extra \$100 in cash income also brings a \$30 rent increase.
- In most cases taking a job means that a mother eventually loses her Medicaid benefits. In some cases her children also lose their coverage. Some newly employed mothers get health insurance at work, but many do not. Working mothers therefore have more out-of-pocket medical expenses.

Federal poverty statistics take no account of such changes. The Census Bureau just compares a family's cash income to a threshold based on the family's size and its members' ages. If a single mother with two children had a cash income of \$12,514 in 1996, she was poor, even if she had subsidized housing, free medical care, and food stamps.

If her income was more than \$12,514 she was not poor, no matter what her expenses were. It follows that moving a single mother from welfare to work usually cuts the poverty count. Whether it reduces material hardship is far less certain. The



working mothers whom TANF will push into the labor force will differ in a number of ways from those whom Edin and Lein studied. In the early 1990s, when Edin and Lein did most of their interviewing, mothers who could not earn significantly more than the minimum wage, who could not find low-cost child care, or who had substantial medical bills almost always stayed on welfare. When TANF pushes such mothers into the labor force, they will earn less than the mothers whom Edin and Lein studied, and they will have substantially higher expenses. These disadvantages will be partially offset by the fact that the EITC is now considerably more generous than it was when Edin and Lein did their field work. But no matter how you do the arithmetic, the increase in the EITC is not going to be enough to solve working mothers' budgetary problems. Once TANF pushes the least resourceful and most troubled single mothers into the labor force, they will have even more difficulty paying their bills than they had when they were on welfare.

Judging by Edin and Lein's budget studies, a working mother who paid market prices for everything her family consumed would need at least \$18,000 and probably closer to \$20,000 a year to pay for what most Americans regard as basic necessities: food, rent, utilities, telephone service, second-hand furniture, clothing, medical care, and transportation to work and to a babysitter or child care center. Food stamps, housing subsidies, child care subsidies, and health care subsidies can, of course, reduce a working mother's need for cash, but they cannot reduce the cost of what she and her children consume. Assuming that former welfare recipients find jobs paying an average of \$6 an hour, work 35 hours a week, and are unemployed 10 percent of the time—all fairly optimistic assumptions in my view—they will earn an average of \$10,000 a year. The EITC will add another \$3,600. That will leave a gap of something like \$5,000.

Some mothers will fill this gap with money from the father of their children, their current boyfriend, or their relatives. But not all mothers have such resources. More diligent child support enforcement might help a few mothers bridge the gap, but most of the single mothers whom TANF will push into low-wage jobs have had children with men

## State differences in AFDC have little impact on out-of- wedlock birth rates.

almost as poor as themselves. Pursuing these men may be good public policy, because it "sends a message" that men cannot avoid taking responsibility for their children simply by leaving home. But pursuing these men will not raise much money for the poorest single mothers. Indeed, it will make some of these mothers significantly

worse off. Poor mothers often break up with the father of their children because he is physically abusive. Once the break comes, they want him out of their life. If a state agency forces an angry, abusive man to start paying child support, he may reassert his parental rights and begin harassing the mother again. Fanning these embers may not, in fact, be such a good policy.

### WHAT SHOULD WE DO?

If we want to make low-wage work a viable option for all single mothers, we need a governmental support system that gives working mothers enough help so they can pay their bills whenever they work full-time. The key elements of such a system have been around for a long time. All we need to do is make them more generous.

**The Minimum Wage.** The minimum wage will rise to \$5.15 an hour in September 1997. That will put it at about 40 percent of what the average blue-collar worker earns in manufacturing. An easy way to reduce TANF's adverse impact on single mothers would be to push the minimum up to \$6.50 an hour. That would be about 50 percent of the blue-collar average in manufacturing, which was the usual level of the minimum wage during the 1950s and 1960s. Such a floor would eliminate some jobs, but past research suggests that number would be quite small. The payoff for single mothers—who will constitute a much larger fraction of all minimum-wage workers once TANF's time limits begin to bite—would be quite large.

**Child Care Subsidies.** For unskilled single mothers with young children, the cost of child care is the most obvious obstacle to working. While some of these mothers get child care subsidies, not nearly enough money is available to subsidize all the mothers who will need help once TANF is fully effective. Expanding the number of subsidized slots would be expensive, but so is any scheme aimed at making work a viable option for unskilled

mothers. The most cost-effective use of an unskilled mother's time is usually caring for her children, not serving burgers while someone else cares for her children. The rationale for putting these mothers to work is political and cultural, not economic. That means somebody has to pay the cost. The question is whether it will be the government or the poor.

Until the Gingrich revolution, even congressional Republicans understood this dilemma. Their alternative to Clinton's original welfare reform bill had tougher work requirements, but it also cost more. Since 1994, both Congress and the White House have been trying to tell themselves that if the government does nothing, the free market will generate affordable child care. This is wishful thinking. Once that fact becomes obvious, child care subsidies may turn out to be the most politically palatable way of ensuring that unskilled mothers can both work and pay their bills. Unlike other ways of subsidizing work, child care subsidies can be limited to parents with young children.

**Federal Housing Subsidies.** The single mothers who experience the greatest economic hardship when they take low-wage jobs are those in high-rent areas like New York, Boston, and parts of California. One way to help these mothers would be to alter the way we distribute federal housing subsidies. While almost all low-income families are theoretically eligible for a housing subsidy, only a lucky minority get one. Housing subsidies are distributed by local housing authorities, which screen applicants and put them on waiting lists. The length of the waiting list varies dramatically from one community to the next, depending on local housing costs and the number of low-income families. When a family gets a subsidy, its rent is set at 30 percent of its income. The government then makes up the difference between what the family pays and what its housing actually costs. The poorer the tenant, the more the government pays. Nearly half of all subsidies go to tenants in privately owned apartments. The rest go to tenants in public housing, some of which is awful and some of which is quite good.

If families that included a full-time worker went to the head of the waiting list for a subsidy, and if Congress set these families' rent at 25 rather than 30 percent of their income, single mothers would have more incentive to take low-wage jobs and would need far less help from other sources when

they did so. Increasing the proportion of working adults in public housing would also reinforce the work ethic in the projects and might reduce the level of social pathology. And even if working mothers paid only 25 percent of their income, the cost to the government would be less than it is for a welfare recipient, so we could afford to subsidize more families.

**Health Insurance.** Allowing all low-income families to buy into Medicaid for, say, 10 percent of their earnings would go a long way toward making low-wage work an economically viable option. Better yet, we could revive the idea of universal health insurance.

Many different combinations of health care subsidies, housing subsidies, child care subsidies, and minimum wages would suffice to ensure that every single mother who found a job could make ends meet. We would not need to do all these things to make such a support system work. Legislators' choices among these options can and should be driven by political expediency. But we have to do something. The market cannot solve these mothers' problem.

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## WOULD HELPING SINGLE MOTHERS MAKE THEM MORE NUMEROUS?

Some conservatives oppose all efforts to help single mothers balance their budgets, on the grounds that making life easier for such women will make them more numerous. Most liberals scoff at this argument, but few really doubt that big changes in the economic consequences of single motherhood would affect its frequency. Imagine a society in which unmarried women knew that if they had a baby out of wedlock their family would turn them out, the baby's father would never contribute to its support, no employer would hire them, and the government would give them no help. Hardly anyone, liberal or conservative, doubts that unwed motherhood would be rarer in such a society than it is in the United States today.

Those who want to discourage unwed motherhood could not create such a world, even if they wanted to. They cannot prevent parents from helping out daughters who become single mothers, keep employers from hiring such women, or stop men from marrying them. They can mount "just say no" campaigns to discourage unwed motherhood, but there is not much evidence that these campaigns help. Legislators who want to discourage single motherhood therefore tend to focus on the one policy lever they really control: government assistance for single mothers and their children. The purists want to eliminate such programs. The pragmatists hope to have an effect simply by making such programs stingier.

Economists have tried to estimate the impact of this strategy by comparing the frequency of single motherhood in states with high and low AFDC benefits. At first glance, this strategy looks promising. In 1996, cash benefits for a family of three ranged from \$650 a month in Vermont to \$120 in Mississippi. If abolishing all cash benefits were going to have a major impact on the number of single mothers, they should already be scarce in Mississippi, since \$120 a month does not buy much even in the nation's poorest state. In generous states like Vermont, in contrast, single mothers should be far more numerous.

Unfortunately for social science, state-to-state differences in welfare benefit levels are far smaller than they seem. To begin with, food stamp benefits fall as welfare benefits rise. Rents also tend to be higher in high-benefit states. A new book by Susan Mayer, *What Money Can't Buy* (Harvard University

Press), reports that if two states' nominal benefits differed by \$100 per month in 1990, welfare recipients' disposable income (after paying for food and rent) typically differed by only \$30. The true difference in single mothers' living standards is thus relatively small. Edin and Lein's research shows the same thing. They found more hardship in low-benefit states, but not a lot more. Welfare recipients everywhere had to hustle to pay their bills, and the task was only marginally more difficult in low-benefit states. Thus one might not expect to find a lot more single mothers in generous states than in stingy ones.

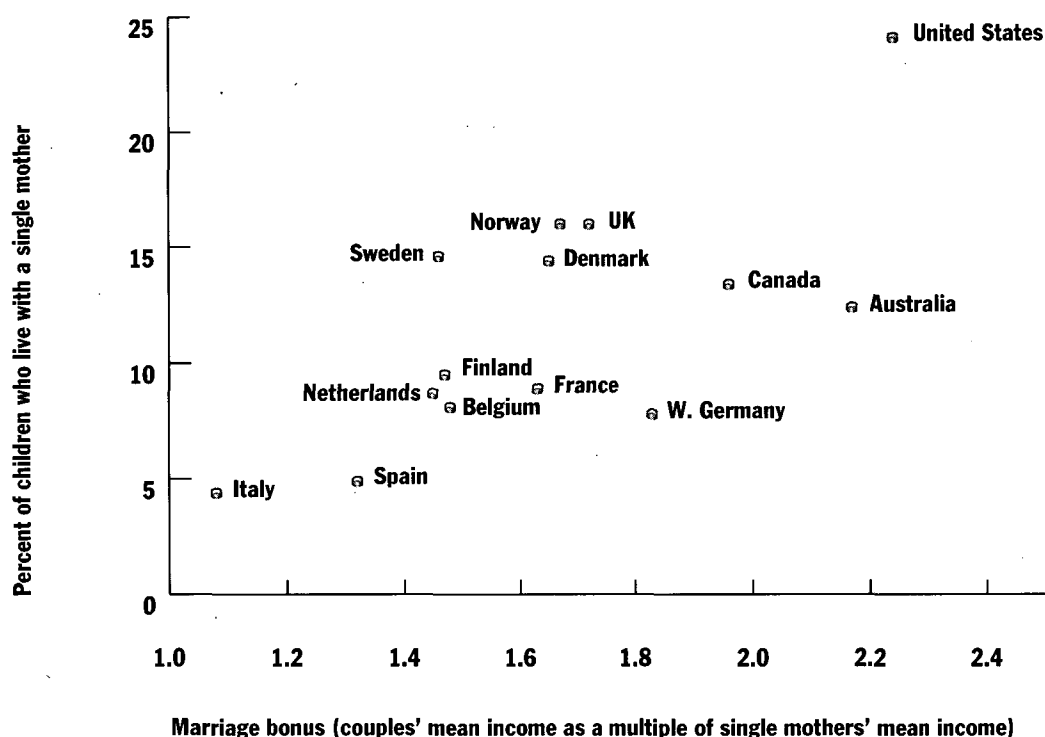
In any event, state-to-state differences in AFDC benefits do not seem to have much impact on women's decisions about whether to have a child out of wedlock. Benefit levels appear to have somewhat more influence on the percentage of married couples who divorce and on the percentage of unmarried mothers who eventually marry. But even these effects are modest. The creation of food stamps and Medicaid may have played a role in the surge of single motherhood between 1965 and 1975, but so much else was happening at the time that there is no way to be sure about this.

**T**he economic consequences of single motherhood vary more from country to country than from state to state. International comparisons therefore provide a useful check on the theory that the economic cost of single motherhood has little impact on its frequency. Using data from the Luxembourg Income Study (LIS) on 14 rich countries, sociologist Lee Rainwater provided me with estimates of mean income for different kinds of households with children under the age of 18. The estimates treat cohabiting couples as if they were married and adjust each household's income to take account of its size. The data were collected between 1989 and 1994.

To get a rough idea of how costly it was to become a single mother in each country, I compared the mean household income of households headed by a married (or cohabiting) couple to the mean for households headed by a single mother. This ratio overstates the true "marriage bonus," because it is not adjusted to take account of the fact that most married mothers have social and economic advantages that would enhance their income even if they were not married. But if my

## MONEY, MARRIAGE, AND MOTHERHOOD

An international comparison suggests that economic incentives do not encourage marriage.



Source: Tabulations by Lee Rainwater using national surveys conducted between 1989 and 1994 and available through the Luxembourg Income Study.

estimate of the marriage bonus is much bigger in, say, English-speaking countries than in Latin countries, it would be surprising if the true difference were zero.

The graph above ("Money, Marriage, and Motherhood") shows that among rich countries the marriage bonus is highest in Britain's former colonies: the United States, Australia, and Canada. It is lowest in Spain and Italy. If women's decisions about their living arrangements were shaped mainly by economic considerations, single motherhood should be relatively common in Spain and Italy, somewhat less common in the rest of Europe, and least common in the English-speaking world. Yet the graph shows precisely the opposite pattern. Single motherhood is more common in English-

speaking countries, where its cost is relatively high. It is least common in countries where its cost is low.

The graph does not prove that economic incentives have a perverse influence on single motherhood. Rather, it suggests that both the frequency of single motherhood and its economic consequences depend on political, social, and cultural factors. The fact that the big English-speaking countries all penalize single motherhood but still have a lot of it cannot be pure coincidence. In Europe, the frequency of single motherhood seems to depend more on a country's distance from the Mediterranean than on the size of the marriage bonus. Both domestic and international evidence suggests, then, that the United States could do substantially more than it now does to help single



mothers without appreciably increasing the percentage of women raising children alone. But evidence of this kind is unlikely to influence many legislators' votes. For conservatives, single motherhood is a moral rather than a practical problem. They do not want the government to reward what they see as bad behavior, because they think this undermines society's moral norms. Whether punishment actually deters bad behavior is largely irrelevant, just as it is to those who want to punish crime more severely.

Some American liberals and progressives are equally passionate in their defense of single motherhood. Many American feminists see divorce and unwed motherhood as sensible responses to the defects of American men. From their vantage point, having to depend on a potentially abusive or unreliable man looks even worse than having to depend on the government. Race also complicates the American debate. Marriage rates among African Americans are extremely low. Partly for that reason, some blacks now see marriage as a "white thing" that should not be imposed on people of color. Many white multiculturalists echo this view.

**T**he "culture wars" between liberals and conservatives have probably left American children worse off than they would be if either liberalism or conservatism were hegemonic. Because such a large minority of Americans see single motherhood as a legitimate and sometimes even the most prudent available choice, our children are unusually likely to live in households without a male breadwinner. Because an equally vociferous (and somewhat larger) minority regard single motherhood as a menace, the American government does very little to help single parents. What really puts American children at risk thus seems to be our much-vaunted diversity. What children in every country need is consensus—any kind of consensus will do—about how they should be supported. But consensus is America's scarcest commodity.

If this argument is correct, the United States is unlikely to do much to improve single mothers' economic status in the foreseeable future. But while we may not do much, we may still do something. If TANF leads to a significant increase in material hardship among single mothers, and if this increase is not obscured by misleading statistics

about income gains (or declines in the official poverty rate), public awareness that working mothers need more help will begin to grow. If these mothers are, in fact, doing everything they can to help themselves, they will probably inspire far more sympathy than today's welfare recipients do.

Constructing a support system for working mothers will take decades, not years. That is partly because the effort will have to begin at the state rather than the national level. Washington faces a financial crunch that is bound to get worse in the years ahead. The federal government's share of gross domestic product has been roughly constant since 1950, and there is no sign that tax increases will win significant support in the years ahead. With baby boomers retiring and new medical technology driving up the cost of health care, and with legislators unwilling to cross the elderly, Social Security and Medicare seem almost certain to claim a growing share of federal revenue. That means other federal programs will have to be cut, not expanded. Conservatives will concentrate on cutting programs for the poor, while liberals will try to cut defense. But no matter which party is in power, proposals for big new federal programs will get a frosty reception.

In the long run, all programs that involve significant redistribution from rich to poor have to be financed nationally. No state can afford to be substantially more generous than its neighbors, lest it become a magnet for the poor while driving away the affluent. But states can make a beginning, and once a few relatively liberal states have shown what might be done, ideas are much easier to sell in Washington. Moving in this direction depends on convincing middle-of-the-road state legislators that working mothers need more help. That will not happen until legislators have seen a lot of stories about working mothers who cannot pay their rent and end up in shelters, or cannot afford child care and have to send their children to live with far-away relatives.

This is a grisly way of rebuilding support for compassion. Liberals helped erode that support by clinging to AFDC long after it had lost public legitimacy. Conservatives saw that this liberal folly offered them a chance to discredit liberalism and dismantle a big piece of the safety net. Having swept the 1994 elections and cowed Bill Clinton, the right carried the day. Now single mothers will have to pay for everyone else's sins.□

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# THE DEVIL IN DEVOLUTION

BY JOHN D. DONAHUE

**T**he shift in government's center of gravity away from Washington and toward the states—a transition propelled by both popular sentiment and budget imperatives, and blessed by leaders in both major parties—reflects an uncommon pause in an endless American argument over the balance between nation and state. That argument got underway when the Framers gathered in Philadelphia to launch a second attempt at nationhood, after less than a decade's dismal experience under the feeble Articles of Confederation. The Constitution they crafted was a compromise between those who wanted to strengthen the ties among essentially autonomous states, and those who sought to establish a new nation to supersede the states as the locus of the commonwealth. While anchoring the broad contours of state and federal roles, the Framers left it to their successors to adjust the balance to fit the circumstances of the world to come and the priorities of future generations.

This moment of consensus in favor of letting Washington fade while the states take the lead is badly timed. The public sector's current trajectory—the devolution of welfare and other programs, legislative and judicial action circumscribing Washington's authority, and the federal government's retreat to a domestic role largely defined by writing checks to entitlement claimants, creditors, and state and local governments—would make sense if economic and cultural ties reaching across state lines were *weakening* over time. But state borders are becoming more, not less, permeable.

From a vantage point three-fifths of the way between James Madison's day and our own, Woodrow Wilson wrote that the "common interests of a nation brought together in thought and interest and action by the telegraph and the tele-

phone, as well as by the rushing mails which every express train carries, have a scope and variety, an infinite multiplication and intricate interlacing, of which a simpler day can have had no conception." Issues in which other states' citizens have no stakes, and hence no valid claim to a voice, are becoming rarer still in an age of air freight, inter-linked computers, nonstop currency trading, and site-shopping global corporations. Our current enchantment with devolution will be seen one day as oddly discordant with our era's challenges.

The concept of "the commons" can help to cast in a sharper light the perils of fragmented decision-making on issues of national consequence. In a much-noted 1968 article in *Science*, biologist Garrett Hardin invoked the parable of a herdsman pondering how many cattle to graze on the village commons. Self-interest will lead the herdsman to increase the size of his herd even if the commons is already overburdened, since he alone benefits from raising an extra animal, but shares the consequent damage to the common pasture. As each farmer follows the same logic, overgrazing wrecks the commons.

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Where the nation as a whole is a commons, whether as an economic reality or as a political ideal, and states take action that ignores or narrowly exploits that fact, the frequent result is the kind of “tragedy” that Hardin’s metaphor predicts: Collective value is squandered in the name of a constricted definition of gain. States win advantages that seem worthwhile only because other states bear much of the costs. America’s most urgent public challenges—shoring up the economic underpinnings of an imperiled middle-class culture; developing and deploying productive workplace skills; orchestrating Americans’ engagement with increasingly global capital—involve the stewardship of common interests. The fragmentation of authority makes success less likely. The phenomenon is by no means limited to contemporary economic issues, and a smattering of examples from other times and other policy agendas illustrate the theme.

#### FAITH AND CREDIT

In the late 1700s, states reluctant to raise taxes instead paid public debt with paper money, with progressively little gold or silver behind it. Even states like Georgia, Delaware, and New Jersey that exercised some restraint in issuing paper money saw merchants lose confidence in their currencies, as the flood of bad money debased the reputation of American money in general. Half a century later defaults and debt repudiations by Pennsylvania, Arkansas, Florida, Illinois, and a few other states—which for the states concerned were unfortunate, but apparently preferable to the alternative of paying what they owed—polluted the common American resource of creditworthiness, and for a time froze even solvent states and the federal government out of international credit markets.

Presidential primaries, which are run state by state, provide another example. Each state prefers to be first in line to hold its primary (or at least early in the queue). In recent presidential election seasons—and especially the 1996 Republican primaries—states have wrecked the common resource of a deliberative primary process in a rational (but nonetheless tragic) pursuit of parochial advantage. California’s primary in June 1992 had come too late to matter; anxious to avoid another episode of irrelevance four years later, it staked out March 26 for

its vote. But several other states, whose *own* votes would be rendered superfluous once California’s crowd of delegates was selected, rescheduled their primaries in response. A spiral of competitive rescheduling led to ugly squabbles as Delaware and

Louisiana crowded New Hampshire’s traditional first-in-the-nation franchise; a mass of state primaries ended up bunched right behind New Hampshire, and a grotesquely compressed primary season ensued. The outcome was clear by the first days of March, and California’s primary—although held two months earlier than it had been in 1992—was just as irrelevant. Most voters perceived the 1996 primary season as a brief spasm of televised

name-calling. Even supporters of the eventual nominee felt that Senator Dole, and the voters, had been ill served by the process.

Term limits for representatives and senators present a similar “commons” problem. Despite a flurry of term-limit legislation at the state level, anyone convinced that the United States should have a less-professionalized Congress may not want to count on state term-limit laws to accomplish the goal. If less-entrenched legislators make for better law—a plausible although not invulnerable proposition—then a citizen legislature is a common benefit for the nation as a whole. Yet an individual state is usually better off when represented by politicians with experience in the ways of Washington and a deep reserve of past favors on which to trade. Even if a majority of a state’s citizens would like to see a Congress of fresh faces, they may well prefer to see *other* states restrict representatives and senators to a few years’ service, while keeping their own old lions on the job.

**T**he Constitution’s “full faith and credit” clause, a court case in Hawaii, and the quadrennial uptick in political tawdriness brought an unusual sort of commons problem to center stage in 1996. The issue was whether the definition of “marriage” should be broadened to include same-sex unions. A handful of Hawaiian same-sex couples had asserted the right to have their relationships reckoned under state law as no different from heterosexual marriages, invoking provisions in the state constitution that bar sex discrimination in almost any form (including, the plaintiffs argued, restrictions on the gender of one’s

States win competitive advantage by dumping costs.



spouse). When a shift in the composition of Hawaii's supreme court made a seemingly lost cause suddenly viable, it dawned on advocates and opponents alike that if Hawaii legitimated same-sex marriage, those unions would have to be recognized nationwide. If any homosexual couple—at least those able to afford two tickets to Hawaii—could bypass more restrictive laws in their home states, the rapid result could be a national redefinition of what marriage means, without anyone outside Hawaii having any voice in the outcome.

National opponents of gay marriage staged a preemptive strike in the form of the Defense of Marriage Act, requiring the federal government to counter heterodoxy in Hawaii or anywhere else by declaring a *national* definition of marriage—one man, one woman, and that's that. Beyond excluding same-sex spouses from receiving benefits under any federal program, the act gave states the right to refuse recognition to other states' marriages. The Defense of Marriage Act raced through Congress and President Clinton quickly signed it (albeit without ceremony and literally in the middle of the night). Annoyed at being forced to alienate his gay supporters in order to stay wrapped in the family-values mantle, Clinton charged, no doubt correctly, that the bill's authors were driven by the partisan spirit of the election year. But whatever their motivations—and however one feels about same-sex marriage—they had a point: The definition of marriage in the United States should be settled by national deliberation.

There is an interesting historical irony here, however. Not so long ago, divorce was only a little more common, and only a little less out of the mainstream, than homosexual unions seem today. While the causes for its increase are many and complex, the pace was set in part by states' calculations of parochial advantage. Around the turn of the century legislators in several Western states—notably Nevada—passed liberal divorce legislation in part to encourage economic development. Unhappy couples facing onerous divorce laws in their home state could head West for a few weeks or months. There they could dissolve their union, while solidifying the local economy, in some striving desert town. Other states might have resisted the trend to more lenient divorce laws. But any couple—at least any able to afford a ticket to Reno—could bypass their home-state restrictions. If a legislature held the line it would only be sub-

jecting its citizens to extra expense while sending money out of state.

The wholesale liberalization of American divorce laws is often seen as a mistake—if not from the perspective of men who can cast off unwanted obligations with minimal bother, at least from the perspective of women and, especially, young children who all too often are left economically stranded. Which raises a question: If states should be free to refuse recognition to marriages made elsewhere, on the grounds that another state's definition of marriage offends local morals, should they also be able to refuse to recognize out-of-state divorces? Suppose that Vermont, say, passed legislation toughening divorce laws and declaring Vermont marriages immune to dissolution by another state's laws. If the legislation survived constitutional challenge (which is doubtful, as it is for the Defense of Marriage Act's comparable provisions) there would be some definite advantages: More traditional states could wall themselves off as enclaves against unwelcome national trends; a potential spouse could signal the depth of his or her commitment by proposing a Vermont wedding. On the other hand, the United States would become a little bit less of a nation.

In one of the less glorious episodes in American history, this country attempted to define human slavery as an issue each state could settle on its own, according to its own economic and ethical lights. Northern states, however, eventually proved unwilling to accept the proposition that the moral commons could be so neatly subdivided. The Fugitive Slave Act required antislavery states to make room in their moral world for slaveholders to transport their "property" for use anywhere in the nation. The repercussions ultimately led to attempted secession, and then to the national abolition of slavery. The meaning of marriage may be another moral issue so basic that it must be dealt with through a national debate, protracted and painful as that will doubtless turn out to be.

## ENVIRONMENTAL REGULATION

Antipollution law is perhaps the most obvious application of the "commons" metaphor to policymaking in a federal system. If a state maintains a lax regime of environmental laws it spares its own citizens, businesses, and government agencies from economic burdens. The "benefits" of environmental recklessness, in other words, are collected in-state. Part of the pollution consequently dumped

into the air or water, however, drifts away to do its damage elsewhere in the nation. If states held all authority over environmental rule-making, the predictable result would be feeble regulations against any kinds of pollution where in-state costs and benefits of control are seriously out of balance. Even in states whose citizens valued the environment—even if the citizens of *all* states were willing to accept substantial economic costs in the name of cleaner air and water—constituents and representatives would calculate that their sacrifice could not on its own stem the tide and reluctantly settle for weaker rules than they would otherwise prefer.

A state contemplating tough antipollution rules might calculate that its citizens will pay for environmental improvements that will be enjoyed, in part, by others. Even worse, by imposing higher costs on business than do other states, it risks repelling investment, and thus losing jobs and tax revenues to states with weak environmental laws. Congress explicitly invoked the specter of a “race for the bottom”—competitive loosening of environmental laws in order to lure business—to justify federal standards that would “preclude efforts on the part of states to compete with each other in trying to attract new plants.” In a series of legislative changes starting in the early 1970s, the major choices about how aggressively to act against pollution were moved to the federal government. While aspects of enforcement remained state responsibilities—introducing another level of complications that continues to plague environmental policy—the trade-off between environmental and economic values moved much closer to a single national standard.

National regulation in a diverse economy does have a downside. States differ in their environmental problems, and in the priorities of their citizens. Requiring all states to accept the same balance between environmental and economic values imposes some real costs and generates real political friction. Yet even if the tilt toward national authority is, on balance, the correct approach to environmental regulation, there is reason to doubt we got all the details right. Moreover, logic suggests that the federal role should be stronger for forms of pollution that readily cross state borders, and weaker for pollution that stays put. But federal authority is actually weaker under the Clean Air Act and the

Clean Water Act than under the “Superfund” law covering hazardous waste. Toxic-waste sites are undeniably nasty things. But most of them are situated within a single state, and stay there.

## CORPORATE CHARTERING

Few questions about the division of economic authority across our federal system have received as enormous an investment of intellectual energy as the state chartering of corporations. Since corporations can operate nationally, whatever their state of incorporation, state decisions on chartering have national implications. In the eighteenth and much of the nineteenth centuries, corporate charters

were granted under far more stringent conditions than they are today, usually on the understanding that demonstrable public good would result from the corporation’s activities. As corporations came to be seen less as agents of the public interest; as states came to presume, instead of demanding proof of, public benefits from business enterprise; and as some firms became sufficiently national to have meaningful

choices about which state to call home, the specific terms of state chartering came to matter more. In 1896, New Jersey adopted aggressively liberal chartering rules, and became the legal home of choice for major corporations. New Jersey shifted to a somewhat tougher chartering law in 1913, however, and rapidly lost its hegemony to Delaware, which had altered its own incorporation provisions to mirror New Jersey’s previous law. Delaware has tenaciously defended its dominant place in corporate chartering ever since.

Herbert Croly, the Progressive intellectual, considered state chartering a silly anachronism by 1909, arguing that “a state has in the great majority of cases no meaning at all as a center of economic organization and direction.” Croly’s call for national chartering was made “not because there is any peculiar virtue in the action of the central government, but because there is a peculiar vice in asking the state governments to regulate matters beyond their effective jurisdiction.” States whose chartering rules appeal to managers win taxes, fees, and ample job opportunities for corporate attorneys, while the costs of unbalanced corporate law are spread widely, wherever the state has operations, sales, creditors, or investors.

Pollution  
doesn't  
observe state  
borders.

The commons scenario predicts a systematic weakening of the conditions of incorporation.

**T**he phrase “race to the bottom” was introduced in 1933 by Supreme Court Justice Louis Brandeis—who also, interestingly enough, popularized the term “laboratories of democracy”—in connection with corporate chartering. Multistate companies, Brandeis said, sought charters “in states where the cost was lowest and the laws least restrictive. The states joined in advertising their wares. The race was one not of diligence but of laxity.” The modern debate over the prudence of state chartering got underway in the early 1970s with an article by William L. Cary in the *Yale Law Journal* on the pernicious effects of interstate competition for corporate charters.

Some defenders of rivalrous state chartering argued that Delaware’s advantage was not due to weak conditions of incorporation, but rather to its efficient procedures for chartering—streamlined administrative rule-making, courts dedicated to corporate law, a specialized private bar, and a tradition of depoliticizing corporate law made sustainable by the paucity of actual corporate operations within the state. But the more interesting rebuttal to the “race for the bottom” critics came from a group of scholars who emphasized the importance of market rationality in the crafting of corporate law. Ralph Winter, in an influential 1977 article, started by acknowledging that states compete to maximize their share of the nation’s corporate charters, and that they do so primarily through loosening the conditions of chartering. But the race was to the *top*, not the bottom, Winter and like-minded analysts argued, because the goal toward which states raced, and the pace of their scramble, turn out to be set *not* by corporate managers but by investors.

The story goes like this: Corporations must attract capital. Investors will be more likely to commit their funds to firms whose charters require managers to do right by investors. And that story seems sound, so far as it goes. But this is not quite the end of the conversation. Interstate competition promotes laws that favor investors not because legislators are directly solicitous of shareholders, but because investors have leverage over managers, and managers have leverage over state policymakers. By

this same logic, interests with a weaker claim on managers’ devotion have no reason to expect that interstate competition will generate favorable results. For example, the dynamics of state competition for corporate charters are unlikely to generate a national pattern of laws that strengthens the hand of employees within the firm.

## LEGALIZED GAMBLING

There has never been a time in America when a person determined to gamble could not find some action. Nor is *legal* gambling, for that matter, anything new. The Continental Congress fed and armed Washington’s army, in part, with revenues from a lottery, and state-sanctioned games of chance financed the early growth of Harvard and other colleges. For much of this century, however, gambling has operated in the economic shadows. Except for the exotic enclave of Nevada, government’s stance toward gambling ranged, until recently, from vigilant hostility to narrowly circumscribed tolerance.

This has changed with an astonishing speed and completeness. In 1988 Nevada and New Jersey were alone in allowing casino gambling. Eight years later there were around

500 casinos operating in 27 states, and some form of gambling was legal in all but two states. The total annual amount wagered legally in the United States is about \$500 billion. (For a sense of scale, consider that America’s entire annual output is in the range of \$7,000 billion.)

Gambling brings some obvious benefits to the state that runs the lottery or hosts the casinos. It can generate relatively high-paying jobs even for workers without much training. It yields welcome revenues for the state treasury. (States took in \$27 billion from lotteries in 1994, and had \$9.8 billion in revenues left over after paying off winners and covering administrative costs. In 1994, taxes paid by casinos alone yielded \$1.4 billion for states and localities.) Legalized gambling can also produce political benefits, most directly the rich lodes of campaign contributions available from a highly profitable industry that is so intensely dependent on political favor.

Yet there are costs as well. Some people will always gamble whether it is legal or not, but many more do so only when the law allows. Access to legal opportunities for gambling has been found to

**T**he race to the bottom favors stockholders over workers.

increase the number of people who develop a gambling problem. The consequences range from mild economic inconvenience to bankruptcy, embezzlement, divorce, and suicide. In 1995—ten years after their state launched a lottery, and four years after the first legal riverboat casino opened—nine out of ten Iowans indulged in gambling. One in twenty reported having a gambling problem, and Iowa social-service agencies were coping with a surge of collateral family and financial damage.

But shouldn't we leave it to officials in each state to tally up the expected costs and benefits and make decisions that sum to the right national policy? The logic of the commons makes this less than likely. If a state loosens its own restrictions on gambling, it gains the benefits in jobs, tax revenues, and political favor. It also suffers costs—but not *all* the costs. When citizens of *other* states buy the lottery tickets and visit the casinos, they leave their money behind when they return home, but take their gambling-related problems back with them. States that still ban gambling suffer much of the damage from the national trend toward legalization, but without sharing in the benefits.

Iowa, in fact, had maintained stringent antigambling laws until the mid-1980s. But as a growing number of Iowans played lotteries in neighboring states it became harder to resist proposals to revitalize a battered economy through riverboat casinos aimed at attracting out-of-state gamblers, especially from the prosperous, casino-free Chicago area. At first, Chicagoans did come, by the busload. But Illinois legislators, seeing gambling dollars heading down the interstate to Iowa, opted to allow riverboat gambling in their state, too. Iowa's initial liberalization law had tried to lower the risk of problem gambling by limiting the size of any one bet and the amount any person could gamble away in a single day. But when Illinois, Mississippi, and Louisiana introduced riverboats *without* any limits, Iowa lifted its own restrictions. In a similar way, after Montana allowed slot machines in taverns in 1985 neighboring South Dakota called and raised, allowing slot machines in bars *and* convenience stores.

By 1996 the only two states with no legal gambling at all were Utah, whose Mormon culture was uniquely resistant to the national trend, and Hawaii, where it is a good deal harder than in most other states for citizens to escape local restrictions by

doing their gambling in the state next door. The federal government's absolute deference to the separate states began to bend that same year with legislation establishing a commission to examine the broader national impacts of gambling. A Nevada congresswoman denounced the bill as "the nose under the tent of Federal interference with the right of states to regulate gambling." She was entirely correct. But it is questionable whether exclusive state control over so massive a change in the legal economy's scope, with such sweeping implications for our culture, ever made much sense.

**N**ot every issue, to be sure, can be cast as a commons problem. And even where state officials *are* tempted to pursue narrow agendas at the expense of national interests, it is not automatically true that the shared loss exceeds the advantages of state autonomy, or that an acceptable way can be found of safeguarding common interests without straining the framework of our federal system. There are two basic strategies for overcoming the confusion of incentives that trigger the tragedy of the commons. One is to fragment the commons into private holdings where property rights are unambiguous. The other is to maintain a polity that commands both the capacity and the legitimacy to give force to common interests. The debate over the future of America's federal-state balance can be seen, in a sense, as pivoting on this strategic choice. Devolution seeks to simplify incentives by subdividing the commons into separate plots. Federal reform requires accepting the challenge of balancing multiple interests within the national commonwealth.

Fixing the federal government is an intimidating proposition in the late 1990s. The trajectory of fiscal and political trends suggests that devolution will remain the focus of politicians' promises and citizens' hopes for some time to come. But the inherent limits of a fragmented approach to national adaptation will eventually inspire America to reappraise the ascendancy of the states. Not too far into the new century we will again collect the resolve to confront together our common fate. And we will once more take up, in the two-century tradition of Americans before us, the echoing challenge of George Washington's 1796 farewell address: "Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it."□



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*-- Eleanor Roosevelt  
Founder, 1947*

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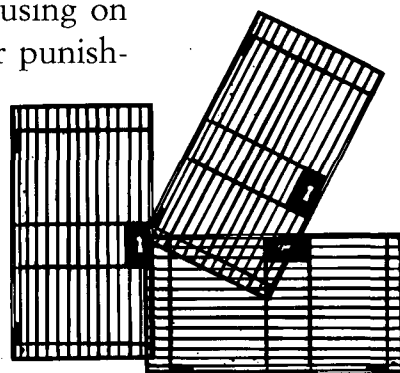
# THE MYSTERY OF THE FALLING CRIME RATE

BY DAVID C. ANDERSON

What's behind the declines in violent crime? The question prompts lively discussion among people coming at a huge social issue from different angles: Some point to random demographic changes, others cite lock-'em-up prison policies; still others, most recently, point to more astute policing. This debate is not exactly a replay of the old argument over root causes versus tough law enforcement. The deep social pathologies that breed crime are still there, and that argument unfortunately remains on hold. Instead, the recent drop in crime rates poses a central strategic issue of criminal justice: Should it be reactive, emphasizing the capture, adjudication, and punishment of criminals after they commit crimes? Or proactive, working to prevent crimes from ever occurring? In principle, this should not be an either/or matter, but limited resources force choices.

Call it the "back-end/front-end" debate. Back-enders, focusing on events at the conclusion of the criminal justice process, favor punishment for its own sake and for its deterrent effects. They like the death penalty, long prison terms, and limited discretion for judges and parole boards who might be tempted to reduce them. Front-enders look for results from the early stages of justice: policing, gun control, drug treatment, and other kinds of alternative (to prison) programs for young offenders. In general, the back-end approach attracts conservatives who like to sound tough; the front-end approach attracts liberals who focus on broader social dynamics.

Which is the better way to fight crime? While the question ought to be pursued seriously—it is richly complex in practical, economic,



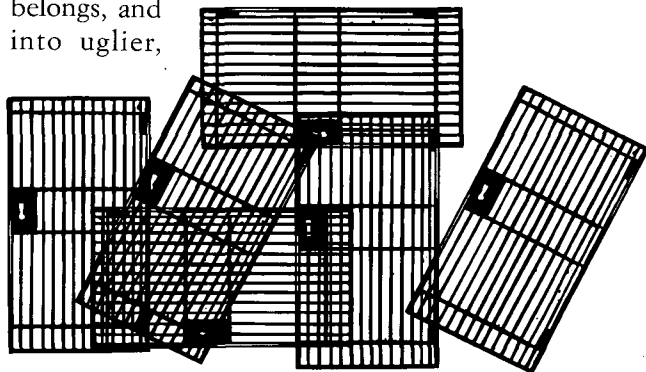
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and moral issues—it became hopelessly politicized during the decade that began around 1985, when crack and guns produced a surge of urban crime and politicians sought ways to exploit the fear it generated. As it turned out, this politics of crime heavily favored back-enders as it produced fervent support for capital punishment and a nationwide movement toward three-strikes and other mandatory-sentencing laws.

The movement was grounded in valid public anxiety about the level of crime, which no longer could be dismissed as an urban ghetto problem. Millions of middle-class Americans were waking up to the fact that fear had transformed their daily lives. Rising crime imposed surcharges for locks, alarms, and insurance; limited their use of parks, subways, neighborhood streets, and other public places after dark; forced complicated logistics for the supervision and protection of children.

Inevitably, people with narrow agendas sought to exploit the fear. Front-enders lamented the new “iron triangle” that lobbied relentlessly, and effectively, for harsher criminal sentences. Its three components: right-wing Republicans seeking to contrast themselves with “soft-on-crime” Democrats; builders, suppliers, and labor unions that benefited from expanding prison construction; and the National Rifle Association, which reflexively sought to fend off serious gun control with proposals for mandatory terms and sentence enhancements for crimes committed with firearms.

Front-enders sputtered in frustration as lawmakers brushed aside evidence that the fear-driven back-end agenda held no promise of greater crime control, and that it created something close to official racism as it forced disproportionate numbers of young black men into prison. What the front-enders failed to grasp was that the discussion had moved away from crime control, where it belongs, and into uglier,



more primitive territory. Simply put, the frightened public gave up on government's ability to prevent crime and turned to other ways of handling its fear.

One of these ways was ad hoc privatization: small armies of security guards for hire; profitable new industries (the Club and Lojack to protect cars; cellular phones with buttons programmed for 911; more sophisticated alarm systems). Another fear-driven remedy was the demand for revenge, or, more precisely, for “expressive punishments” that put more emphasis on venting collective rage than controlling crime. Thus did huge majorities support the death penalty and longer prison sentences; in addition, millions applauded the caning of a young American for vandalism in Singapore and called for legislation to make corporal punishment possible here. They cheered as state lawmakers revived chain gangs and convict stripes and sought to eliminate the “amenities” of prison life. Sensing the public mood, lower-court judges toyed with public “shaming” as an alternative to jail for misdemeanants. Legislators, relieved that they could satisfy voters without having to control crime, were glad to go along with this use of criminal justice for mass therapy.

#### COST-EFFECTIVE CRIME PREVENTION

While a back-end strategy could guarantee a quick political payoff, no serious policymaker could ignore the longer-term costs. Between 1984 and 1994, according to the Federal Bureau of Justice Statistics, the number of convicts admitted to the nation's state and federal prisons in a year swelled 120 percent, from 246,260 to 541,434, boosting the total incarcerated 116 percent, from 419,346 to 904,647. The taxpayers' overall bill for criminal justice—police, courts, and corrections—also nearly doubled in the period, from \$45.6 billion in 1985 to \$93.8 billion seven years later, with corrections' share of the total increasing from 28.6 percent to 33.6 percent, or \$31.5 billion.

What, in fact, was all this money buying? On this point, the statistics were hardly reassuring. The issue is one of scale. Perhaps half of serious crimes are reported to police. Of these, only about one-fifth result in an arrest. Less than two-thirds of those result in a conviction; and a tiny percentage wind up serving time in a state or federal penitentiary. Thus, the 20 million serious crimes committed each year produce about 500,000 incarcerations—and a third of them are for nonviolent drug offenses or drunk driving.

Even if each convicted felon is responsible for many more than one crime apiece, how can incarceration of so small a fraction of serious criminals have much effect on the crime rate, either directly or as a deterrent? And, if budgets are limited, how is it possible to justify spending 33.6 percent of all the available money to impose serious punishment for a tiny percentage of serious crimes?

People determined to promote the back-end strategy point to studies that document crimes and costs apparently saved by incarceration. William Bennett and his co-authors John DiIulio and John Walters refer in their book *Body Count* to surveys of prison inmates in Wisconsin and New Jersey who claim to have committed numerous crimes in the year before their imprisonment. Both groups of inmates self-reported medians of 12 property or violent crimes, excluding drug crimes. The authors quote other research finding as many as 21 averted crimes for each incarcerated prisoner.

They also quote a study that sought to assess not only direct costs to victims but "monetary value of lost quality of life" caused by crime. "Using various measures," the study put prices on individual murders (\$2.4 million each), rapes (\$60,000), arson ("almost \$50,000"), assault (\$22,000), and robbery (\$25,000). Multiplying numbers like that by the annual "crimes averted" factors found in the studies of inmates yields amounts that dwarf the average annual cost of keeping an inmate in prison (about \$20,000).

However such calculations might provide ammunition for lobbyists of the iron triangle, they remain less than persuasive. Obviously, incarceration incapacitates criminals who are subject to it, and many criminals do commit many crimes per year. But the back-enders leave their audiences with an incomplete picture, for nearly everyone who goes to prison eventually gets released. And given the lack of rehabilitation resoundingly documented by recidivism studies over the years, most of those coming out can be expected to commit new crimes at similar rates. Thus, while 541,434 criminals were sent to prisons in 1994, 456,942



Spending on corrections at the expense of the rest of the system doesn't make sense.

came out, for a net reduction that year of only 84,492 criminals. This does represent an increase over 1984, when 246,260 went in and 221,768 came out, for a net reduction of 24,492. But it's hard to see how incapacitating 60,000 more criminals, a figure that includes nonviolent drug offenders, can

have more than a modest impact on serious crime rates even if one believes that each person incapacitated would have committed 10 or 20 crimes in a year. The net incapacitation figure, furthermore, is small enough to be overwhelmed by an increase in the number of young people recruited into lives of drugs, crime, and guns each year, as happened in the late 1980s. And, of course, as legislatures weary of spending tax dollars for prison expansion, allowing the surge of incarceration to level off, the figures will reverse for a time, with more people coming out than going in, for a net increase of criminals on the street.

As for the claim that the aversion of crimes saves society money, front-end strategies could save as much or more. In any case, estimations of crime control savings don't balance public budgets. And so far, the idea of saving taxpayers so much money in averted costs of crime hasn't led conservative back-enders to support hefty tax increases on them to finance more prison construction.

There simply is no escaping the troubling distortion of spending for corrections at the expense of the rest of the system. Couldn't some of the \$31.5 billion that goes to lock up a few hundred thousand serious criminals for a few years each be put to better use preventing some of the 20 million



serious crimes?

It's also instructive to think of the issue from the neighborhood's point of view. Suppose that crime may be reduced in equal measure and at equal economic cost either by putting a lot of people in prison or by putting more police on the street and developing other front-end programs to intervene with offenders early. Which strategy leaves the community better off?

Increased police presence risks increased abuse of civil liberties by overzealous officers, a problem that inflicts temporary aggravation on some innocent citizens. But sending people to prison inflicts severe, if not calamitous, emotional and financial stress on their innocent spouses, children, and parents. And their neighborhoods suffer the consequences of having to cope with ex-convicts as they return with their employment prospects permanently stunted and their ability to function in family and community life further impaired by the various brutalities of prison.

Other things being equal, the community clearly is better off with more police and front-end programs than with more people going to prison. In these terms, a strong case could be made for controlling crime with police even if it costs *more* than controlling it by sending people to prison. Any evidence that the police approach produces greater crime control at lower cost should blow the prison strategy out of the water.

## OUNCES OF PREVENTION

In a sense, liberals who embrace a front-end law-enforcement strategy are growing up. A crime control agenda based on prevention arguably might include almost any measure that improves

education, creates jobs, supplies day care, improves low-income housing, increases access to health care, and otherwise supports poor families. But by ignoring the citizenry's immediate anxiety about personal security, liberals who emphasized only "root causes" seemed hopelessly naive, and ceded the whole crime issue to conservatives. A front-end agenda of direct prevention doesn't mean giving up on root causes. But it does allow those with a more social conception of crime to embrace an approach that has two immense advantages over the back-end response: It is less vengeful—and more effective.

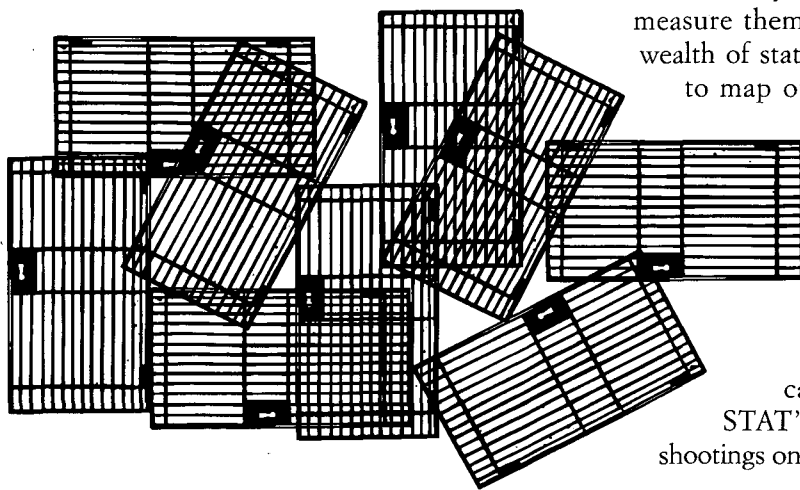
**C**onsider New York City: The violent summer of 1990 prompted the city's first black mayor, David Dinkins, and his police commissioner, Lee Brown, to push a proposal for new police hiring—and a tax to pay for it—through the city council and state legislature. The effective expansion of the department from 25,465 to more than 32,000 officers would turn out to be a gift of immeasurable value to Police Commissioner William Bratton, brought in from Boston by Mayor Rudolph Giuliani, who defeated Dinkins's try for a second term in 1993.

Bratton had previously served as chief of New York City's transit police, where he had experimented with new strategies. Now he returned with large ambitions that he would realize all too well, attracting so much attention for genuine achievement that the mayor, feeling upstaged, forced him out after two-and-a-half years.

Bratton's approach was to disperse responsibility for crime fighting downward to precinct commanders while instituting weekly meetings to hold them strictly accountable for results. In order to measure them, he forced precincts to produce a wealth of statistical data. Police computers began

to map out crime and enforcement patterns with unprecedented precision and timeliness—they might show, for example, that reports of shootings on a certain street corner occurred mostly on Fridays and Saturdays after 9 p.m.

Precinct commanders were called to account in weekly "COM-STAT" meetings: Why are there so many shootings on that street corner? What do we know



about that location and the people who frequent it? What are you doing to get it under control?

At the same time, the new commissioner found excellent use for the new cops coming out of the academy as a result of the Dinkins/Brown hiring plan. He ordered a citywide campaign against “quality of life” offenses—drinking in public, urinating on the street, making noise, and other forms of rowdiness.

Though the endeavor sounded like a public relations stunt, it was deadly serious, with purposes that ran far deeper than simply promoting better manners in public. Bratton was aware of the 1982 *Atlantic Monthly* article “Broken Windows,” much discussed in police circles, by James Q. Wilson and George Kelling; it compares a neighborhood where police ignore low-level offenses with a building where the landlord ignores a broken window. As people realize that that they can get away with it, they begin to break more windows until the building is destroyed. Wilson and Kelling used the analogy to argue that determined policing of low-level offenses could inhibit serious criminal activity as well.

In New York, in 1994, “quality of life” became the excuse for an aggressive form of patrolling targeted on youthful lowlifes. It generated complaints of harassment even as it drew praise from older residents of troubled neighborhoods. The routine, based on police lawyers’ careful study of Supreme Court “stop and frisk” decisions, called for officers to stop and request identification of anyone they suspected of committing an infraction, accepting only government-issued picture ID.

Those not carrying proper ID or found to be the subject of outstanding warrants were taken into custody, driven to the precinct station, and turned over to detectives who interrogated them for whatever they might tell about drug and gun trafficking and recent crimes in the neighborhood. The process added mightily to the flow of fresh information on which to base new operations.

The effects were immediate and dramatic. The number of homicides in the city had begun a gradual decline in the last years of the Dinkins adminis-

tration. With the arrival of Bratton, COMSTAT, and aggressive patrolling, the homicide rate began a steep decline that appears to be continuing. Only 985 homicides occurred in the city in 1996, a decline of 57 percent from the peak number of 2,262 in 1990.

Bratton declared that he had proved the broken windows theory. His new measures, he said, had inhibited street criminals, causing them to leave their guns and drugs at home. These claims met with skepticism at first. Weren’t crime rates going down all over the country? What was so special about New York? And weren’t a lot of things beginning to happen that could be reducing crime independently of the police?

So far, the New York story survives those questions. The nation’s big-city homicide rate turned down after 1991 and has continued to fall through 1996. But New York’s decline exceeds the national figure. The homicide rate for cities of more than 1 million fell from 33 per 100,000 in 1991 to 21 per 100,000 in 1995. In New

York, the rate fell from 29 per 100,000 to 16 per 100,000 in the same period.

Other explanations for declining crime include the natural maturing and waning of the crack epidemic, shifts in drug market patterns, and demographic changes that leave fewer crime-prone teenagers on city streets. But these more gradual events don’t explain the close congruence of sharp declines in New York City’s crime and the introduction of Bratton’s new management and strategies.

Meanwhile, the only independent analysis so far, conducted by Andrew Karmen at John Jay College of Criminal Justice, offers some striking findings. Karmen found that homicides committed with guns and those committed out of doors fell more sharply than those committed indoors or with other weapons. He also found that homicides declined with the rise of patrol strength and with increases in misdemeanor arrests for quality-of-life offenses. Such findings bolster police claims that their greater numbers and aggressive patrols are inhibiting gun use and street crime.

The calculation of costs and benefits extends well beyond the criminal justice system and crime vic-

“Quality of life”  
became the rationale for an  
aggressive form of  
patrolling targeted on  
youthful lowlifes.

tims. A city experiencing dramatic declines in crime from policing, as opposed to slight or negligible ones from increased incarceration, becomes more hospitable to tourists and to businesses. And the good news, palpable on every street corner, calms the middle-class homeowners whose periodic bouts of panic about the city's future weaken their stabilizing commitments to neighborhoods and schools.

### STREET-SMART INTERVENTION

While the New York experience is especially striking given the size of the city and its police department, it isn't unique. Bostonians have recently seen a drastic decline in crime, particularly in gun violence among juveniles. Observers credit a comprehensive police strategy characterized by unprecedented involvement with communities and cooperation among law enforcement agencies. Houston, Dallas, and San Diego have also seen big declines in crime, apparently the result of increased police presence and more aggressive patrolling.

The successes of police-based approaches to crime control encourage thinking about other front-end measures. At least three spring to mind immediately:

**Invest more in lower courts, probation departments, and early alternatives.** Offenders sentenced to state penitentiaries for serious crimes typically wind up there only after committing a number of lower-level crimes (only some of which come to the attention of the authorities) for which they receive insignificant sentences to lightly supervised probation or "time served"—days already spent in jail awaiting court action. Especially if they are relatively young, offenders get off with such sentences because judges are reluctant to expose them to the routine terrors of penitentiary life for a first or second offense.

There is broad agreement that much crime might be averted if courts were able to intervene with offenders more meaningfully after the first or second minor offense, rather than waiting for them to commit more serious crimes. Yet the nation's overcrowded, underfunded urban arraignment courts are a classic horror show of criminal justice. The heavy workload, burnout, and cynicism among criminal justice workers usually preclude any careful consideration of the offender and the underlying problems—substance abuse, lack of education, family crises—that lead people

into low-level criminality.

During the 1990s, a few jurisdictions found the will and the resources to improve lower courts. Some set up "drug courts" where judges sentence drug-abusing offenders to treatment programs, then monitor their progress, retaining the power to incarcerate them for failure. New York City set up a somewhat different model in midtown Manhattan. This "community court" arraigned low-level offenders of all sorts, sentencing them to community service projects in the neighborhood, and referring them to a well-staffed social service office located on the premises.

Innovative efforts of lower courts are enhanced when probation departments are able to help. Agencies that deal with offenders released under court supervision are likely to be as under-resourced as lower courts. Exceptions are found in Phoenix, Arizona, and in the state of Georgia. Both places offer judges probation-managed "ladders" of sanctions—sentencing options that increase in severity from standard probation supervision through "intensive supervision" (lower caseloads), electronic monitoring, and house arrest, up to work release and boot camp programs based in secure residences. Judges greatly appreciate the chance to move offenders up and down the ladder as they demonstrate more or less willingness to behave.

The possibilities are enhanced further as probation departments get creative with alternative sanctions, finding politically acceptable modes. In South Carolina, for example, judges sentence offenders to pay victims restitution rather than serving time in prison. Offenders who don't have a way to pay are sent to secure residences on the grounds of state prisons, then bused out to work each day in private-sector jobs until they earn enough to pay off their sentence amount. Job developers at the centers come up with the placements, typically hard-to-fill minimum-wage slots where employers frustrated by high turnover welcome the restitution center's steady supply of workers, who are dependably sober, drug free, and motivated by the desire for release.

The restitution centers suggest the potential for public acceptance of front-end programs. Reliable payments of victim compensation defuse much criticism of the non-prison sanction, while the restitution workers' value to local employers builds support for the idea in the business community.

**Expand drug treatment.** The link between substance abuse and criminal behavior remains obvious and research suggests that as drug abusers recover from addiction, they recover from criminality as well. In large measure, the success of a front-end strategy that calls upon judges and probation agencies to do more with offenders in the early stages of their criminal careers depends upon abundant availability of drug treatment.

The goal should be to develop enough treatment slots so that all addicts who voluntarily seek help may obtain it immediately, and so that judges who wish to make treatment part of a sentence package can order an offender to begin at once. This could be accomplished without any need for big new federal or state bureaucracies simply by amending the Medicaid law so that it will reimburse drug addiction therapy provided through free-standing programs rather than in hospitals.

Skeptics point out that the treatment programs have low rates of success. How can one be sure money spent on them doesn't go down the drain? Yet programs that move even, say, 25 percent of clients into long-term recovery may wind up costing less than sending the same offenders to prison for short terms, then returning them to lives of addiction and crime. Furthermore, treatment managers say that an addict may need several attempts at treatment before it "takes." As courts require offenders to try again and again, the success rate increases.

**Get serious about gun control.** Researchers confirm the police belief that guns in the hands of kids played a central role in the burst of crime that began in 1985. Even so, lobbying of the National Rifle Association minimized new gun-control legislation during the 1980s and early 1990s. The Brady Bill and the ban on assault weapons, hailed as big symbolic victories, are relatively modest measures. In 1994 and 1995, however, the NRA overreached politically and, by some accounts, financially as well, and its influence began to recede. That makes real gun control look feasible.

A serious gun policy would, at a minimum, require as much of a person who wishes to own and use a gun as of one who wants to own and use a car. Guns should be numbered and registered, with data on guns and owners stored in a computer database instantly accessible by law enforcement agencies.

In addition, gun owners should be licensed, and

the burden should be on applicants to demonstrate that they are mentally healthy, have no criminal or spousal abuse records, and have no problems with drugs or alcohol. They should be required to pass written tests on gun law and gun safety as well as practical tests of gun handling on a firing range. And they should have to carry substantial liability insurance. Beyond that, Washington could require manufacturers to build in safety devices like trigger locks that permit use of the gun only by the registered owner, and magnetic strips or computer chips that make guns easier to detect and trace.

Finally, federal law could require that anyone who wants to purchase more than one gun per month make the case for such a need to the local police. Such a law poses no inconvenience to virtually all legitimate gun purchasers, but it could severely inhibit profiteering by gun runners who make legal purchases from retail stores and resell the weapons illegally on the street.

**H**ow much would a front-end strategy cost? Obviously the expansion of police departments, lower courts, probation agencies, alternative sanctions, drug treatment, and the bureaucracies necessary to enforce new gun laws would require significant spending. The back-end strategy, however, has already committed the nation to billions in new spending as prisons expand and courts fill them with tens of thousands of new inmates. The issue may not be one of coming up with new money so much as engineering a partial shift of funds already in place.

For now, it's enough that police-led victories over crime in New York and other cities revive the front-end/back-end debate and demonstrate an urgent need for research: How are more police used most efficiently? How can lower courts adapt themselves for early intervention and crime control? What are the optimum staffing levels for probation departments? What kinds of alternative sanctions yield the best results? How do different modes of drug treatment work for different kinds of addicts? What would national gun registration and licensing entail and what would be their likely effects?

Such questions, considered marginal where back-end assumptions dominate talk of criminal justice, now belong at the head of the agenda.□



# NO BARGAIN

BY CHESTER L. MIRSKY AND GABRIEL KAHN



In places as diverse as Anchorage and El Paso, Nassau County and New Orleans, get-tough prosecutors are promising to ban plea bargaining. Too many criminals get off easy, they insist; take away plea bargains, and more will get the punishments they deserve. But these officials may want to consider what happened in the Bronx when prosecutors there tried the same thing. The ban clogged the courts, made for less speedy justice, and may actually have returned more guilty defendants to the street.

Although the very mention of plea bargaining conjures up images of shifty defense lawyers, it was actually a prosecutorial invention borne of pragmatism. By the middle of the nineteenth century, prosecutors, disenchanted with an increasing rate of acquittals, turned away from chancy jury trials and toward plea bargaining, where they could secure convictions for the apparently modest price of easing the charges. By 1860, with the advent of municipally controlled police departments, caseloads had so grown that jury trials were already the exception. In 1971, the U.S. Supreme Court gave the long-standing practice its first official approval, acknowledging that if every case went to jury trial, resources would have to multiply by "many times." Today, more than 90 percent of all cases in criminal courts are disposed of without trial, with 80 percent of all felony indictments ending in guilty pleas.

It's true that numerous scholars and presidential commissions have criticized plea bargaining as "assembly-line" or "bureaucratic" justice. It's also true that defendants are frequently the lucky beneficiaries. To make plea bargaining work judges must offer sentences attractive enough to convince defendants to forfeit their constitutional right to a jury trial and the possibility of being acquitted. Knowing that the system simply cannot try every pending case, defendants have learned to insist on the best deal. Consideration of the prose-

cution's evidence, the defendant's culpability, or the victim's interests rarely comes into play.

Four years ago in the Bronx, District Attorney Robert Johnson promised to change all that. Decrying the status quo as an "Arab bazaar" where criminals frequently held out for second and sometimes third offers before accepting pleas, he forced every defendant to choose up front: Plead guilty to the most serious charge faced or go to trial. It made for a great sound bite and many officials genuinely welcomed the renewed toughness.

But then defendants started calling Johnson's bluff. With no new courtrooms under construction, no new judges being appointed (the Bronx actually has 9 percent fewer judges than it did in 1992), and no limit on the number of felony arrests, pending cases in the Bronx mounted. At the end of September 1992, just prior to ban's imposition, 2,275 pending felony indictments—or 51 percent of the Bronx total—exceeded the six-month statutory period allotted for a speedy trial. A year later, despite a drop in crime that resulted in 7.5 percent fewer indictments, the number of felony cases pending over six months had risen to 2,820, or 60.5 percent of the total. The proportion of all pending cases over 365 days jumped from 18 percent to 30 percent, while cases pending over 450 days exceeded 18 percent of the total inventory. Today, 60 percent of pending felony indictments in the Bronx remain over six months old.

The aging of cases has had a dramatic effect on pre-trial detention costs. By September 1993, the average days in custody for Bronx defendants increased to over 160 days, while the average for the rest of the city decreased to under 120 days. The number of Bronx defendants detained over one year increased to 423, a proportionate increase of 47 percent over 1992, accounting for almost half of all New York City's one-year or over detainees, at an annual cost of \$41,588 each. Today, the Bronx continues to lead all other major New York City counties in days in custody.

Has the investment at least translated into stiffer penalties, as promised? Not really. Overcrowding has become such a problem that judges must frequently dismiss charges altogether simply because there's nowhere to keep all the

defendants with pending cases. Lockup at Riker's Island is no picnic, but the Bronx has become so well known for acquittals and dismissals—its acquittal rate in jury trials between 1992 and 1996 was 35 to 40 percent, the highest in New York City—that defendants are willing to wait it out.

Besides, the longer defendants languish in jail, the more the prosecution's case erodes as witnesses move and recollections grow fuzzy. This was dramatically apparent in 1993 and 1994 during the height of the plea ban, when the Bronx had the highest rate of dismissals in indicted cases in New York City, between 17 and 18 percent, while guilty pleas plummeted to a low of between 70 and 73 percent.

Even the defendants who plead guilty don't necessarily do more time. In order to relieve the strain on the system, judges have been imposing lighter sentences—often the minimum mandated by law—just to make pleading guilty a more palatable option. According to a September 1994 report by the Division of Criminal Justice Services, average prison sentences in the Bronx were actually shorter than those imposed prior to the ban, even though the percentage of felony convictions to the most serious charges had increased.

It's true state lawmakers could undo some of this by imposing stiffer minimum sentences or insisting on harsher judges, but that would only intensify the judicial overload problem. Conversely, the state could invest more money in the courts or ease the load imposed by mandatory sentences for relatively minor drug offenses—subsequent to 1992, the Bronx has never tried more than 9 percent of all felony cases. For their part, the district attorney and the New York City police could exercise greater discretion in the prosecution of felony arrests, thus reducing pending caseload in order to assure a speedy trial in every indictment. But none of these moves have political support.

That leaves only one alternative to a system-wide meltdown: a return to old-fashioned plea bargaining. Sure enough, it turns out that since 1993 Johnson has quietly allowed between 32 and 38 percent of indictable defendants to bargain charges in lower court before their cases

have gone to the grand jury. More recently, since 1995, Johnson has even reintroduced plea bargaining back into the state supreme court. The ban is still technically in effect, but defendants no longer believe it and defense attorneys caution clients against pleading to top counts. "I've seen more exceptions to the policy than I have the policy," says one Legal Aid Society lawyer. At higher levels, too, Johnson has opened back room channels where he will offer package plea bargains to as many as 20 indicted cases at a time, according to supervising defense attorneys.

**O**f course, even hard-liners may wonder about civil liberties in the new Bronx system. Every day in the basement of the criminal court, one bewildered defendant after another is pulled out of a holding pen and led before a lower-court judge. Defendants are given the opportunity to plead guilty, then and there, to the prosecutor's offer of a lesser charge and the judge's offer of a reduced sentence, which often involves imprisonment of two years or more. If the defendants, many of whom have been arrested only several days earlier and have had no more than one brief meeting with an attorney, decline, the offer is withdrawn and they are indicted and head to trial in

supreme court. Pleas happen in rapid succession; defendants frequently have less than a minute to decide. In many instances, police reports are still not available and neither side has had an opportunity to check the credibility of witnesses or consider exculpatory evidence. Inevitably, the process exaggerates preexisting biases about class, race, and ethnicity.

The issue has come full circle. Bronx justice hasn't become particularly swift, stiff, or, for that matter, just. Too many convicted defendants still get off with light sentences, but the system lacks the resources to impose stiffer punishments. Whether well intentioned or not, prosecutors eager to crack down on crime need to realize that they may be powerless to do so—at least if they are acting on their own.□

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# GANGBUSTERS

## ENJOINING THE BOYS IN THE 'HOOD

BY DANIEL J. SHARFSTEIN

**T**he city of Inglewood, population 140,000, lies in the southwest corner of the Los Angeles sprawl. It has the features of almost every other L.A. suburb—long commercial strips of burger shacks and auto body shops, low-rise neighborhoods of motel-style apartment complexes and tiny homes with tiny lawns. The city map is dominated

by large open spaces. Hollywood Park racetrack and card casino attracts millions of visitors, as does the adjacent Great Western Forum, where the Lakers play home games. Just to the north is the 375-acre Inglewood Park cemetery.

One of the city's main streets, Century Boulevard, is a straight shot west to LAX, the Los Angeles International Airport. Another, Crenshaw Boulevard, goes north through the heart of black L.A. At the intersection of these two roads is the Bottoms, a neighborhood of six blocks that has been the scene of almost 40 murders in the past decade.

Thirty-five hundred people, mostly black and Latino, live in this claustrophobic network of two-story apartments linked by alleyways and narrow streets named after past Inglewood mayors. The area sits directly under the LAX flight path; all day long, airplanes on final descent buzz the neighborhood. A Bloods gang called the Crenshaw Mafia claims the Bottoms as its

turf, and police say there are about 75 active members of the CMG. Although some of its members live in other parts of town, most grew up together in the neighborhood. The gang got its name in the late 1970s because members were fans of the *Godfather* movies.



On patrol to enforce an injunction prohibiting gang activity in Pasadena, an officer searches a suspect for drugs.

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Not all 40 murders involved the Crenshaw Mafia: Three toddlers died at the hands of abusive parents or sitters; nobody knows who killed the assistant manager of the nearby Price Club in a September 1994 robbery that netted \$15. But police blame the gang for a fair share of the killing, and rival sets have come into the area gunning for the CMG. In a July 1996 drive-by shooting, one Crenshaw Mafia member was killed and a five-year-old boy was shot in the hip. Police have also arrested CMG members for selling crack cocaine and marijuana, carrying assault rifles and semiautomatic pistols, and committing armed robberies and assaults. The Bottoms is tagged with CMG graffiti. The Cs are always crossed out to show hatred for the Crips.

With crime rates in this area consistently among the highest in the city, and with neighbors often too scared to call the police or serve as witnesses, city officials decided it was time to try a new tactic against the Crenshaw Mafia Gang.

It was time to sue them.

**I**n late January, Inglewood became the tenth California city to use public nuisance laws to get a civil injunction restricting activities within the Bottoms by 29 alleged members of the Crenshaw Mafia Gang. The injunctions impose 25 conditions on the defendants; violating any of them is a misdemeanor that carries a sentence in California of a \$1,000 fine and up to six months in jail. Most of the prohibited activities are illegal anyway: selling drugs, throwing rocks at people or cars, fighting or gambling in public, drinking or urinating in public, vandalizing property, trespassing, possessing a dangerous weapon in public. A few provisions, however, target more ambiguous activity: carrying a pager or cellular phone, riding a bicycle, or even "congregating in any public place with any other person" for drug-dealing or other illegal purposes.

What is unambiguous about the court orders is that they give police probable cause to stop or arrest defendants for almost anything they do in a target area. Being outside with any other person is a potential offense. So is visiting a friend at his apartment, because trespassing provisions forbid defendants from being on private property without the written or oral consent of the owner or lessee. Curfew requirements mean defendants cannot be out late at night. A littering clause makes it an offense for a

defendant to drop a cigarette on the ground.

Anti-gang injunctions have been used mainly in Southern California and mainly since 1994, after the Los Angeles County district attorney's hardcore gang unit formed a special section to pursue the injunctions. Although the injunctions raise many constitutional concerns [see Randall Kennedy, "Guilty by Association," page 66], so far the courts have sided with the prosecutors. On January 30, the California Supreme Court upheld San Jose's 1993 injunction against a Latino gang in a four-square-block community called Rocksprings. The majority opinion in *People ex rel. Gallo v. Carlos Acuna et al.* cited the court's commitment to "ordered liberty" and the rights of the frightened residents of gang-infested areas:

To hold that the liberty of the peaceful, industrious residents of Rocksprings must be forfeited to preserve the illusion of freedom for those whose ill conduct is deleterious to the community as a whole is to ignore half the political promise of the Constitution and the whole of its sense. . . . Preserving the peace is the first duty of government, and it is for the protection of the community from the predations of the idle, the contentious, and the brutal that government was invented.

The court decision means that civil injunctions will likely proliferate. Just as Los Angeles is the great exporter of gang culture, so it has become a trendsetter in gang suppression policies. The L.A. County district attorney's program for civil injunctions, the Strategy Against Gang Environments (SAGE), now employs five full-time deputy district attorneys, whom the county contracts out to local cities that want injunctions. SAGE has its own how-to manual, which cities all over the country have been requesting.

For many prosecutors, police, even the residents of embattled neighborhoods, the issue is simple: Gang injunctions immediately and dramatically reduce crime rates in the target areas. Once intimidated residents become emboldened and accustomed to cooperating with the authorities, police can then do their job more effectively. Yet are the injunctions truly, as their advocates claim, the foundation of a long-term strategy for public safety—or do they simply move the problem from one neighborhood to another? Can the police go after the named defendants without



curbing the rights of other residents? What about the rights of the defendants themselves? These are legitimate questions that few public officials feel they even need to confront.

## A NEW WEAPON

On a sunny morning at the end of January, District Attorney Gil Garcetti announced the Inglewood injunction at a press conference in Darby Park, just north of the Bottoms. Standing on a hill overlooking the Hollywood Park stables, flanked by city officials, police officers, and prosecutors, Garcetti had to shout over the continuous roar of jets overhead. Eight camera crews representing every local television channel crowded around, as Garcetti sounded the death knell for the Crenshaw Mafia.

"It's time to stop the violence. It's time to stop the fear," said Garcetti, who barely won re-election last November. During a campaign marked by criticism of his handling of the O.J. Simpson criminal prosecution, Garcetti highlighted the gang injunctions as a great accomplishment of his tenure. "These gangs have not seen the SAGE program before," he added. "It's not just a temporary fix. . . . It will permanently bring down levels of crime in this neighborhood."

Garcetti's boast was audacious, but not empty. In Norwalk, Pasadena, Long Beach, and Lennox, SAGE injunctions had freed target neighborhoods of the gang terror that was once desperate and unrelenting. In San Jose, two neighborhoods were enjoined in 1993 and 1994. After ten months, one neighborhood saw crime drop 63 percent, and the other, 49 percent. Enforcement of the injunctions stopped while the court challenge proceeded. Now that injunctions have been upheld, the city attorney may soon seek injunctions for three additional neighborhoods.

**N**orwalk, a city of about 100,000 south-east of L.A., was the location of SAGE's pilot program. An August 1994 injunction enabled law enforcement to snuff out a Latino set called the Orange Street Locos. With only 55 active members, according to police databases, OSL was the smallest of Norwalk's five Latino gangs. But they gave sheriff's deputies some of the most trouble.

Their four-by-five-block stretch of turf was covered with graffiti. Gang members were responsible

for dozens of crimes, from car theft and drug possession to assault and armed robbery. In 1994 they started throwing Molotov cocktails in alleys and then at homes, burning out an African-American family. Neighbors constantly reported hearing shots fired, and the local elementary school actually started holding drive-by-shooting drills at recess. A bell would ring, and students would hit the blackout.

Today, the graffiti is gone. Moms with babies in strollers move down the sidewalks, past unlicensed street vendors selling pork rinds and corn out of shopping carts. Children play basketball after school, rollerblade, and swing on the swingsets.

The neighborhood's metamorphosis occurred almost immediately after the court order enjoined the activities of 22 OSL members. For the next ten months, the local sheriff's station documented the injunction's progress in weekly memos. The number of calls to the sheriff's department went down by nearly a third, and very few of the calls were in any way related to gangs. The memos report just a few crimes committed by gang members not listed in the injunction. Only five injunction defendants were prosecuted for violating the court order.

To date, seven injunction defendants are in state prison, county jail, or juvenile hall. Eight no longer live in the area. Six live at home, including one about to be deported to Mexico. One is dead. Despite a flare-up last fall, when a rival gang member moved into the area and threw a party, the Orange Street Locos have more or less ceased to exist. The city council will soon consider a motion to rename Orange Street for two of the sheriff's deputies who have worked intensively in the area.

## PASADENA: NO BED OF ROSES

Norwalk's experience attracted other cities to the SAGE program, but not every city could replicate its success.

Every New Year's Day, millions of eyes are on Pasadena for the Tournament of Roses Parade and the Rose Bowl. The floral pageantry matches the genteel reputation of this city of 135,000 just northeast of L.A., a suburb of turn-of-the-century bungalows and tree-lined streets, home of Cal Tech (the California Institute of Technology) and the Norton Simon Museum.

That gentility is not on display in the briefing room of the Pasadena Police Department's Special Enforcement Section. One entire wall is covered

with customized baseball caps, each showing allegiance to a different local gang. Most of the city's gang activity—police estimate 1,500 members in 13 active gangs—is centered just above the Rose Parade route, in the mainly black and Latino northwest section. Residents and city officials point to Halloween, 1993, as the moment Pasadena acknowledged its gang problem—when three trick-or-treaters were gunned down, mistaken for gang members.

The three Halloween killers, sentenced to death in January, were members of a small Bloods set. The first court order, in October 1995, enjoined 35 alleged members of the largest Bloods gang in the city, the Pasadena Denver Lanes (PDL). The injunction targeted a three-by-six-block area, centered around Summit Avenue, reputed to be the place to buy crack, 24 hours a day, 7 days a week.

The black and Latino residents of this stretch describe late-night open-air gatherings of dealers, friends, and addicts; the assortment played music, yelled, drag raced, had fights, shot craps, and sometimes shot each other. In the mornings, people who looked like zombies would walk down the street, searching for rocks of cocaine dropped during the night. Residents were afraid to mow their lawns or even let their kids ride their bicycles. Some gang members tried to make residents pay to enter or exit their own driveways.

City Prosecutor Tracy Webb heard about Norwalk's success on the radio and decided to bring SAGE to Pasadena. The city got two injunctions, one each in 1995 and 1996. Following the first court order, Pasadena police Sergeant Jim Shear wrote a memo describing an unprecedented change in the community: "The last week has netted no arrests and no calls for service." Only a handful of people were ever prosecuted for violations of the injunction; none has been prosecuted since September 1996.

One reason for the change is that the injunctions energized the community. Residents started suing landlords who were renting to troublemakers; since then, the neighborhood association has organized numerous block cleanups, a tutoring program, and

an absentee-landlord group. Another factor is that the injunctions actually scared off gang members. "It never ceases to amaze me," says Webb. "We prosecute these guys for drive-bys, murders, rape, and they're seemingly unfazed. As soon as we hit 'em with a lot of paperwork, they disappear."

**B**ut the gangs haven't disappeared. Soon after the injunctions, PDL members started hanging out just beyond the target area, in a housing project, a park, and a strip mall. Unlike Norwalk, where highly territorial gangs live in very clearly marked neighborhoods, in Pasadena gang members live throughout the city. Police memos in November 1995 noted PDL's shift, and where once most PDL members on probation were given stay away orders from Summit, now the orders almost exclusively name the nearby King's Villages project. Police are having the same problem with Pasadena's second injunction, a June 1996 court order against 26 members of the Villa

Boys and Crazy Boys. These Latino gangs had been allies against two rival sets in a year-long feud that left several young men dead and several more wounded.

Pasadena, like the other injunction cities, has not studied the issue of gang displacement in any systematic way. But a map of the city in the Special Enforcement Section briefing room sug-

gests how quickly the gangs are adapting: No longer does the map feature an overlay with different gang territories outlined. Because the gangs have been moving so much, now the police track them with pushpins.

"They know we can't do much outside the injunction area," says Pasadena police officer Terysa Rojas, the department's expert on Latino gangs. "It works for the area you intend it to work for but then you just have to chase them wherever they go next. The thing is, before the injunctions, they all were hanging out in the same place. Now that they can't hang out there, you don't know where they are. They're all over, and you can't keep track of them." Such frustrations fuel skepticism of the program. When Pasadena's SAGE deputy district attorney started work on a new injunction to

**B**efore the injunction, Summit residents were prisoners inside their homes, afraid to mow their lawns or even let their kids ride their bicycles.

target King's Villages, the new locus for gang activity, the city balked and did not extend her contract. Police and prosecutors say they will still enforce the injunctions in place but will not be seeking more of them.

Bernard Melekian, who became Pasadena's police chief about the same time the city was seeking its second court order, calls the injunctions "an intellectual substitute for responsible public policy" and prefers a combination of hard police work and community services. He is reorganizing the force into one of community beat cops, with intensive presence in the city's most crime-ridden spots. The Special Enforcement Section is targeting the hardest gang members with vigorous enforcement of probation and parole violations, and the department is starting an early intervention program with first-time juvenile offenders.

"There are aggressive enforcement ways to deal with known gang members," Melekian says. "All we've done is move their hangout, which is fine if you live in the injunction area. So why don't we enjoin the entire city?"

#### THROWING THE BOOK AT THEM

In Inglewood, a deputy district attorney spent months working out of an office in City Hall, taking declarations from residents and police and probation officers and compiling a list of 42 of the most active members of the Crenshaw Mafia. After the prosecutor filed the complaint for an injunction to abate a public nuisance in Los Angeles Superior Court last December, police officers started serving the defendants with a two-inch-thick stack of legal documents.

The packet included a copy of the complaint, lengthy citations of municipal code violations and supporting constitutional decisions, and the declarations by law enforcement officers detailing the history and general activities of the gang and singling out each defendant for specific wrongdoing. The judge refused to seal civilian declarations, so the prosecutor did not file them out of concern for those residents' safety.

Gang members learned that they were going to be served with papers by listening to their police scanner. Some went to the police station to collect their packets; others went into hiding. Those who received the packet refer to it in awestruck tones as "the book." Officers serving the papers said they didn't know what they were for and couldn't give any legal advice. Quite literally, the Crenshaw

Mafia got the book thrown at them.

The day after Gil Garcetti's press conference, the city of Inglewood sought a preliminary injunction in Los Angeles County Superior Court. Twelve of the defendants made the trip to the courthouse, a few miles away in Torrance. Several wore their hair in braided rows, a style popularized by Snoop Doggy Dogg. One had "104 St.," one of the target area's boundaries, tattooed on the back of his neck. One was wearing Calvin Klein jeans with a large label reading "CK," an abbreviation listed in police dictionaries of gang slang with a definition of "Crip Killer."

The defendants began by asking Judge Robert Mallano for a public defender, but the judge said no. This was a civil court, he explained. There was no guarantee of representation. They also tried to argue against the city's request: Travon Donte Adkins, whose nickname is Lil Lunchmeat, told the judge he wanted all the police officers who made statements about him to submit to lie detector tests. But Mallano said he would be basing his decision exclusively on the written record. If the gang members had objections, he said, they should have hired a lawyer and filed written briefs before the court hearing.

By the time the judge finally granted the injunction, the defendants were stunned and angry. "None of us knew what an injunction was," said defendant Kenneth Bell. "We thought we were going to have some public assistance. I don't know civil cases. I've never been sued in my life. We got no legal aid, period. Nobody's backing us." Said Adkins, smarting over the suggestion that he hire a lawyer, "That's the whole point. They know we don't got no money." He asked to be excused and left the courtroom shouting, "They know niggers ain't got no money!"

**E**pisodes like this confirm the worst suspicions of injunction critics. "You got a D.A. who's in big trouble because he can't win big-profile cases, and he wants to look tough on crime," says Bert Vorhees, an attorney representing the Pasadena NAACP, who fought the PDL injunction. "The gang injunctions are perfect because they go after a group that does not have much resources. You look like you're doing something, but you're not doing much other than violate the civil rights of those named in the injunction and the citizens who happen to get caught in the middle."

Reading the court orders—which list the defendants' names along with their nicknames—one gets the sense that cities are suing cartoon characters. It's the people versus Smiley, Lil Pookey, Goofy, Clumsy, Happy, Bam Bam, Turtle, Casper, Spanky, Smurf, Pee Wee, Snoopy, Beaver, Heckle and Jeckle. Lawyers who have represented such men in injunction proceedings and in the misdemeanor violation of court order cases decry the one-sidedness of what they see as an unholy blurring of criminal and civil proceedings.

"It's just using a civil court to create special crimes for special people," says Michael Ramirez-Mares, a public defender in Pasadena. "From a prosecutor's point of view, it is an elegant solution—you've cut out the lawyers for the other side. But I don't think it's fair."

Attorneys who favor the injunctions say they are dealing with a public nuisance, a civil harm that belongs in civil court just like any other. "Because we're dealing with gangs, people are saying we're prosecuting them without giving them their rights," said Andrew Paley, a civil attorney in a private firm who has been working pro bono with the SAGE program since its inception. "If this were a fraternity at a university, and they were playing their stereos at two in the morning, having beer bashes, harassing women who walk by, and urinating in public, no one would be thinking twice about this."

But are the two situations really comparable? The stakes are higher when the defendants are young black and Latino men and women living in underdeveloped and underserved neighborhoods. The stakes are higher when the court orders give great power to police departments that have historically mistreated minorities.

Although many defendants obtain pro bono representation or defend themselves, most do not even show up in court. When no one fights the injunction, courts can accept questionable evidence as fact, potentially dooming a more or less innocent party. Prosecutors say they compile their lists of defendants with great care, but as numerous sociologists have written and as any gang member, cop, or gang prosecutor could attest, some gangsters are

harder than others. Police declarations for the injunctions describe contacts with hardened criminals—people with mile-long rapsheets, thugs who have shot at cops. The declarations also describe people who, for the most part, just hang out.

In Pasadena, the evidence against individual defendants reflects the continuum of gang involvement. While injunction requests accuse many gang members of dealing drugs or carrying weapons, they lump in many others whose sins are limited to wearing the wrong clothing or being seen with the wrong people—in other words, activities of expression and association. Jermaine Lloyd's wrongs, for

example, include only "loitering" and "admits PDL membership." Leotha Harvey Manning: "loitering . . . associates with Michael Poole and Kaleb Hunter . . . wearing 'P' belt buckle." Quincy Richard Lee Butler: "seen on bicycle .

. . . admits moniker of 'Lucky' or 'Jones' . . . tattoo reading 'Baby God' . . . loitering in streets."

In his dissent from the California Supreme Court's decision in the *Acuna* case, Justice Stanley Mosk cited a 1992 report on gang violence by the L.A. County district attorney's office that said the L.A. Sheriff's Department used similar criteria to estimate that 47 percent of all African-American men ages 21 to 24 are actual or suspected gang members. Mosk wrote that the city of San Jose needed more proof that some of the defendants belonged in the injunction:

The mere facts that a defendant "admitted" gang membership to a police officer or others or was seen associating with gang members or wearing gang colors or insignia, do not indicate that he or she has, or will in the future, engage in conduct amounting to a public nuisance. In my view, individual defendants may be subject to the preliminary injunction only if the City establishes a likelihood that it will succeed on the merits of its claim that he or she actively participated in the activities constituting a public nuisance, or had specific intention to do so.

If someone is just hanging out with lifelong friends and relatives—some of whom may be deal-

Quite literally, the Crenshaw Mafia was getting the book thrown at them.



ing drugs—should that person have to stop carrying a pager, riding a bicycle, or waving at cars?

#### WHAT PRICE FOR PUBLIC SAFETY?

Kenneth Bell says that he has been unfairly included in the Inglewood injunction. One police declaration said that a confidential informant bought drugs from him and two other men. One declaration said that he admitted that he is a member of the Crenshaw Mafia. Several other declarations describe him loitering and drinking in public. But Bell, 34, maintains that he hasn't been involved in gang activity in more than 15 years. He says he became part of the Crenshaw Mafia before it got its name, when it was just a bunch of neighborhood boys who played football together.

"My only fault is I do drink," he said. "When I come home from work, I'll drink beer in front of my apartment. Maybe I can't drink now, or maybe I have to be confined to my apartment. I don't want to be harassed for just talking to my buddies."

Bell owns a beeper. Even though the injunction only forbids carrying a pager with the intent to engage in drug dealing or other illegal activity—things that Bell says he doesn't do—Bell worries he may wind up in handcuffs because of it. Judging by the way other cities have enforced the injunction, Bell can almost certainly count on being stopped by police.

Especially in the first couple of months after the injunction, police deploy heavy patrols. Prosecutors say they only single out named defendants, but of course that is not quite the case. One can easily picture the police stopping anyone who might look like a gang member, say, on a dark night, if only to confirm that he or she is not on the injunction. In truth, the police stop many more than that—just ask the residents of Summit Avenue.

"For a while, it was like watching *COPS* on television," says resident Gary Taylor. "My wife and I would sit on the porch and have our entertainment. They were stopping people left and right. And 80 percent of the people needed to be stopped, either acting stupid or dressing the part."

Taylor himself was stopped one Sunday morning on his way home from the corner store. He said he was thrown against a car and searched. "I couldn't understand it," he said. "I don't even fit the profile. I'm 42 years old, a regular working man. I just had a barbecue for the neighborhood association, and police were there—maybe it was just a new

officer. I didn't think I'd get rousted like that."

But even many victims of apparent harassment—including Taylor—stand behind the policy. In fact, the PDL's most outspoken advocate is not a prosecutor or police officer but Eva Courtney, president and founder of the Summit Avenue Neighborhood Association. She wrote an op-ed piece for the *Los Angeles Times* and has given countless interviews in praise of the injunction. She's also seen the excess firsthand: "My husband was stopped three times just crossing the street to see the neighbors," she says. "Our neighbors were being stopped. Mainly black people were being stopped. As time went by, it kind of died out, and things got better."

Police did saturate the Summit area and stop numerous people, says Sgt. Jim Shear, but that would have happened with or without an injunction. In a heavily patrolled area that constantly attracted drug buyers, police are going to approach strangers of all races and initiate consensual searches. And because crime did go down, neighbors are willing to forgive their own unpleasant experiences with law enforcement. "At the time, yes, I was angry because I was just walking across the street," said Larry Courtney, Eva's husband. "But now that the bad people are off the streets, the police know who I am. Before the injunction, I didn't come out of the house much."

**A**t its best, the anti-gang injunction brings an end to years of terror and allows communities to take control of their lives. At its worst, the injunction moves the gang problem next door and brings peace at the expense of liberty. It's an easy choice for Larry Courtney: getting rousted three times by the police versus living in a neighborhood besieged by a street gang.

Unfortunately, it's also easy for politicians. Without a doubt, neighborhoods deserve quick relief when gangs are killing people, firebombing houses, and forcing residents to live behind bars in their own homes. But now that injunctions have withstood the scrutiny of California courts, local officeholders may have little incentive to look beyond local crime statistics and seek a better policy—one that would better protect people's rights and address the long-term causes of gang violence.

The bad people are off the streets. For more and more communities between Summit and the Bottoms, that's where the argument ends. □

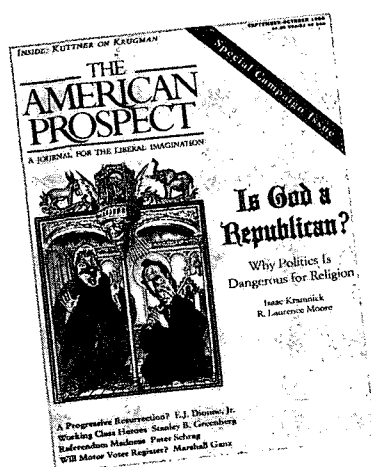


## ILLUMINATION...

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HMJ97

# GUILTY BY ASSOCIATION

BY RANDALL KENNEDY



Addressing the root causes of crime is a long-term project, but residents of crime-plagued neighborhoods quite properly demand “freedom now” from the intimidating thuggery that inhibits their activities. In response, local governments have contemplated or experimented with such strategies as public shaming, longer sentences, large-scale police sweeps of neighborhoods, deployment of national guards, and so on. One strategy employed in California—using public nuisance injunctions against gangs [see “Gangbusters,” by Daniel Sharfstein, page 58]—raises troubling legal questions.

Right now, the leading case on the legality of these injunctions is *People ex rel. Gallo v. Acuna*. In *Acuna*, the California Supreme Court addressed the legality of an injunction obtained by the city of San Jose against 38 individuals deemed to be members of a criminal street gang known as the Varrio Sureno Locos (VSL). The injunction forbade these individuals from engaging in a wide variety of illegal actions such as using proscribed drugs, carrying unlicensed weapons, defacing property, and trespassing. More controversially, it also prohibited the individuals from engaging in activities that people are typically free to pursue: congregating with associates, wearing clothes bearing certain initials, possessing a beeper.

The injunction can be a more appealing remedy than simply arresting alleged lawbreakers because it is a civil remedy that allows officials to sidestep many of the procedural impediments to prosecuting a person criminally. If a person violates an injunction, that person becomes sub-

ject to being held in contempt of court, for which he or she can be incarcerated.

When an intermediate appellate court first considered the San Jose injunction, it invalidated 15 of the 24 provisions, upholding only those elements that forbade the named gang members from engaging in acts defined as criminal under state statutes. The city tacitly conceded that some aspects of the injunction violated constitutional standards—for instance, the provisions that prohibited the wearing of the initials VSL on clothing, the making of loud noise of any kind, or the possession of a pager or beeper in any public space. The city maintained, however, that the appellate court erred when it struck down other aspects of the injunction, including one that prohibited targeted individuals from “[s]tanding, sitting, walking, driving, gathering or appearing anywhere in the public view with any other defendant . . . or with any other known [VSL] member.”

When San Jose appealed to the California Supreme Court for reinstatement of this provision, a slim majority of the court ruled in favor of the city. In a strongly worded opinion, Justice Janet Rogers Brown rejected First Amendment objections, arguing that officials should have the authority to restrict certain noncriminal activities of habitual and associated lawbreakers for the purpose of supporting the freedom of law-abiding people who feel menaced by their delinquent neighbors. “The street gang’s conduct,” Justice Brown declared, “fails to qualify as . . . protected forms of association.” Similarly, the court rejected the argument that disputed portions of the injunction were unconstitutionally vague or overbroad; according to Brown’s opinion, the same language could and should be read more narrowly to avoid constitutional infirmities. Finally, the court rejected the claim that the injunction was invalid because insufficient proof linked some of the individuals with the gang-related criminal mischief that the injunction sought to abate. Each of the individual defendants, the court asserted, was observed in the neighborhood in question and either admitted gang membership or was identified as a gang member. For the court, that was sufficient to

designate a person as a target of the injunction.

*Acuna* poses a difficult moral, political, and legal problem. On the one hand, there are the claims of ordinary residents to peace and security, valuable features of social life that were dramatically absent in the period leading up to the city's request for the injunction. As Brown noted: The people of the community were "prisoners in their own homes." On the other hand, individuals—even individuals who wear baggy pants, carry beepers, and affiliate themselves with gangs—are presumed to be innocent until proven guilty and, until that point, are just as entitled as judges to freedom of association and the other rights and privileges accorded by state and federal law. Voting against the city's position, Justice Stanley Mosk complained that the injunction "deprives a number of simple rights to a group of Latino youths who have not been convicted of a crime."

**T**he California Supreme Court erred, I think, in important ways in addressing these tensions. Its judgment was wrongly influenced by impatience with what some observers see as "technicalities"—which is another name for significant safeguards of liberty that are always vulnerable to populist anger and anguished (if wholly understandable) calls for "law and order." This comes across most clearly in the court's response to complaints that some of the people the injunction named were not even charged with having done anything improper other than affiliate themselves with the VSL, which is in itself no criminal offense. The court tacitly acknowledged this problem but then minimized it by saying that "[s]hould contempt proceedings ensue, each individual defendant will have an opportunity to contest any claim by the City that he or she has violated specific terms of the preliminary injunction."

Safeguards of liberty are always vulnerable to anguished—if wholly understandable—calls for law and order.

This response is woefully deficient. Being subjected to an injunction is no trifling matter. If the city does not have proper cause to name a person, that individual should not be made to walk around with a legal question mark hanging over his head that will likely attract unwanted attention from the police for engaging in conduct that is innocent but that the injunction prohibits—such as chatting in public view with a fellow gang member about baseball. "I, too, deplore gang violence," Justice Mosk wrote in his strong dissent, but "I am unwilling . . . to conclude that [members of gangs] do not also engage in

innocent intimate or expressive conduct." Mosk did not maintain that city officials should be prevented from taking injunctive action against members of gangs. He simply and rightly argued that individuals should be subjected to an injunction only if officials establish that such persons "actively participated in the activities constituting a public nuisance, or had a specific intention of doing so." In other words, Mosk contends that if mere membership in a gang is no crime—which it is not—then courts have no warrant to virtually criminalize gang membership simply by issuing an injunction.

The California Supreme Court's ruling implies that the fate and legal status of a few gang members is of little or no importance given the terrible environment gangs have created in certain sections of San Jose. But it is precisely at the moment of exasperation that we rightly count on courts to slow down, take a deep breath, and use with punctilious care the formalities of law to define the authority of the government. This the California Supreme Court failed to do. Its failure in *Acuna* is neither final nor disastrous. There will certainly be additional opportunities for jurists to address the dilemmas this case acutely poses. The result in *Acuna*, however, is a sign that this area of the law warrants close monitoring. □



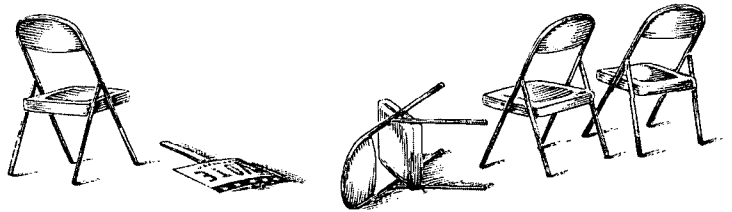
# THE OTHER CIVIC AMERICA

## RELIGION AND SOCIAL CAPITAL

BY ANDREW GREELEY

**Editors' Note:** Is civic life in decline? Just over a year ago, we published Robert Putnam's "The Strange Disappearance of Civic America" (*TAP*, Winter 1996), which led to much discussion in our pages and elsewhere. Concern about civic decline has now become a staple of public rhetoric. But was the problem accurately diagnosed in the first place?

In this issue, we publish two important contributions to the debate. Andrew Greeley argues that by one measure—volunteering—Americans continue to have higher rates of participation than do citizens of other countries; he argues that Americans' stronger religious affiliations explain the difference. And in "The Big Tilt: Participatory Inequality in America," Sidney Verba, Kay Lehman Schlozman, and Henry E. Brady argue that what matters is not just how many participate, but who they are. In the United States, class disparities are more pronounced than elsewhere and, by some measures, are increasing. But, contrary to Father Greeley, Verba and his co-authors see little hope that America's higher religious-based participation can make up the difference, at least when it comes to political representation of those at the bottom.



Since the time of the Puritan divine Jonathan Edwards, Americans have lamented the decline of their society. Something has gone terribly wrong, we hear; the future looks grim unless we repent. This may be effective homiletics, but it is usually not very good social science. Massive trends with enormous, society-shaping impact are rare; more commonly, changes don't all move in the same direction. Thus the metaphor "sexual revolution" suggests a shift toward more sexual freedom in all areas. In fact, while premarital sex has increased (probably because of the birth control pill), extra-marital sex has not.

Recent critics have lamented a supposedly general decline in civic concern and social responsibility. Among the astonishing developments of the last decade and a half, however, is a notable increase of volunteer service in our society. The rate of volunteering in America is higher than anywhere else in the world. The United States is also a country with very high levels of religious devotion, more than any country in the West save Ireland. Might these two aspects of American society be related? To put the question in terms that social scientists have helped to popularize, is religious practice a source of social capital? The evidence I present here suggests that it is.

## VOLUNTEERING IN EUROPE AND AMERICA

Two studies of volunteering in Western countries, the European Value Studies (EVS) conducted in 1981 and 1991, provide data about comparative trends that help to answer whether religious practice contributes to America's high rate of volunteering. The more recent 1991 survey asked respondents in 16 countries whether they "belong to" or are "currently doing unpaid voluntary work for" any of the following organizations:

- social welfare services for elderly, handicapped, or deprived people
- religious or church organizations
- education, arts, music, or cultural activities
- trade unions
- political parties or groups
- local community action on issues like poverty, employment, house, and racial equality
- Third World development or human rights
- conservation, the environment, ecology
- professional associations
- youth work (for example, scouts, guides, youth clubs, etc.)
- sports or recreation
- women's groups
- peace movement
- animal rights
- voluntary organizations concerned with health
- other groups

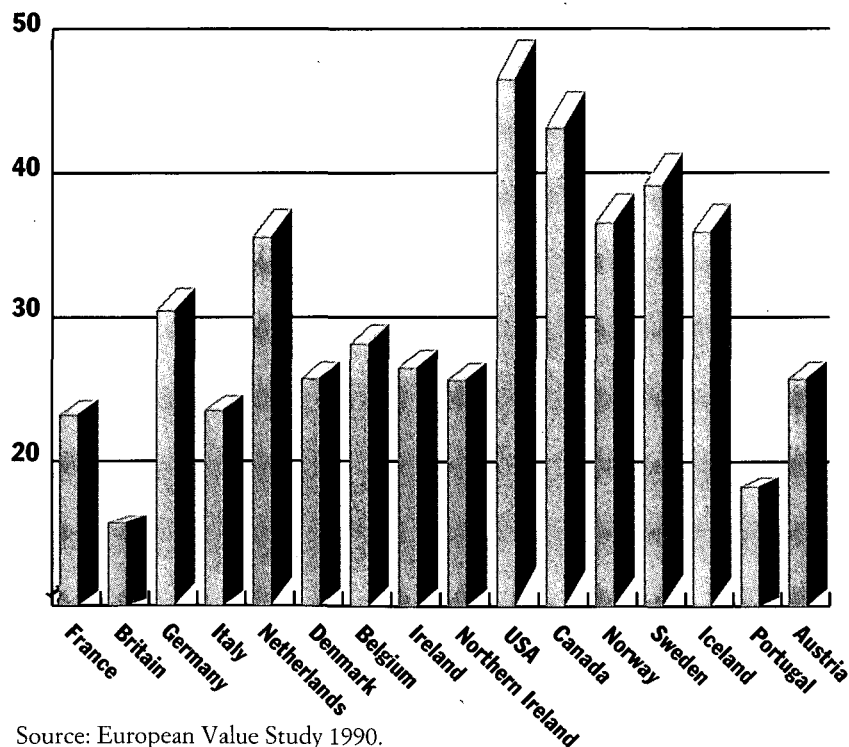
Adding up the number of people who volunteered for at least one activity provides a basis for estimating the proportion of a population volunteering in 1991 (see "Volunteering by Country," at right). The rate of volunteering in the United States, 47 percent of the population, is the highest and is consistent with the proportion reported in 1992 survey conducted by Virginia Hodgkinson, who is vice president for research and executive director of the National Center for Charitable Statistics at Indepen-

dent Sector, and Murray Weitzman, a private economic consultant who was formerly chief of staff for the U.S. Bureau of the Census. Studies done in England and France approximate the findings of the Value Study for those two countries.

Only Canada had a rate comparable to that of the United States. Most European countries reported rates between 20 percent and 30 percent; three Scandinavian countries and the Netherlands had higher rates (between 30 percent and 40 percent), while Portugal and Great Britain were lower.

The survey also showed how volunteering varies by sex, age, and education. Men are marginally more likely to volunteer than women, and people between 30 and 50 are more likely to volunteer than those who are younger or older. Hodgkinson and Weitzman have shown the same differences by age for the United States, but they report that women are more likely to volunteer than men (53 percent to 49 percent). The seeming contradiction between the two studies is a result of differences in wording; the EVS questionnaire enumerates more activities that men favor. Volunteering in the EVS sample also correlates strongly with education. People who continued in school after they were 20 years old were twice

### VOLUNTEERING BY COUNTRY



as likely to report some kind of volunteering as those who had left school before they were 12.

Both frequency of church attendance and membership in church organizations correlate strongly with voluntary service. People who attend services once a week or more are approximately twice as likely to volunteer as those who attend rarely if ever. Moreover, while organizational membership (a sum of all secular organizational memberships) does, as one might expect, powerfully predict voluntary service, membership in a religious organization has its own significant independent effect.

Denomination in those six countries where there are sufficiently large samples of both Catholics and Protestants to make comparisons possible has an impact only in Canada, where Protestants are significantly more likely to volunteer than Catholics, and in Northern Ireland, where the reverse is true. There are no significant differences by denomination in Britain, the United States, West Germany, and the Netherlands.

Unfortunately, the 1981 EVS survey listed only 11 of the 16 types of voluntary activity enumerated in 1991. The change in the question makes strict

comparison across time questionable, especially on individual items; the addition of 5 new types of activity seems likely to have led to a decline in positive responses to the original 11. In only three countries did statistically significant change in the proportion volunteering occur: Austria, where there was a 7 percentage point decline and the North American countries, where the proportion volunteering (as measured by the original 1981 items) increased, by 6 points in Canada and 10 points in the United States.

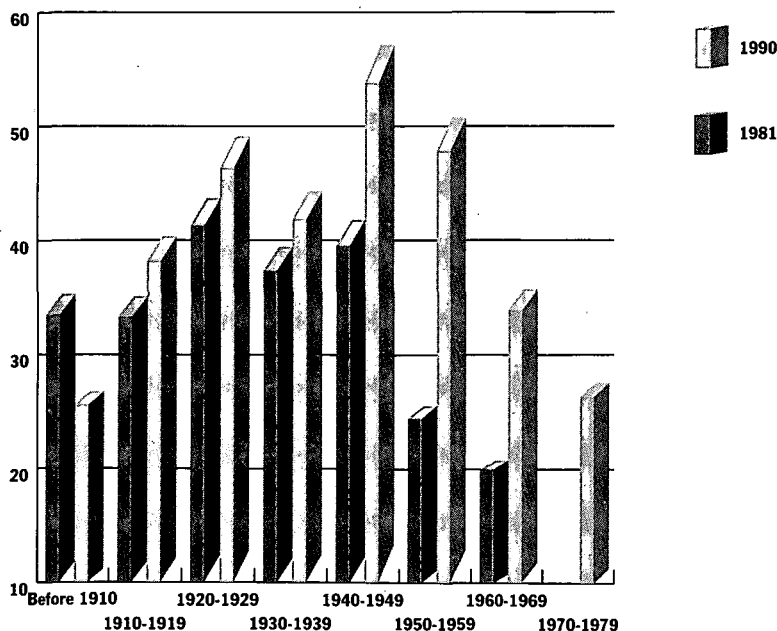
The figure below, "The Rise in American Volunteering," shows that this increase in the United States was especially pronounced among people born since 1940. Each cohort not only increased its volunteer rate over that of ten years earlier but had a higher rate than its predecessor cohort did when it was the same age. Thus the cohort born in the 1940s not only has almost doubled its volunteer rate in the ten-year period, it is also 14 percentage points ahead of where the 1930s cohort was when it was the same age. The increase in volunteering in America has been created by the "Baby Boomers," the "Me Generation," and "Generation X," all of whom, if

one is to believe the popular media, are inherently selfish and "uncommitted." The increase has probably continued, moreover, because even those born during the 1970s and hence at the most only 20 at the time of the 1991 survey were already twice as likely to volunteer as those born in the 1960s were 10 years ago when they were in their twenties.

Americans born in the 1920s, however, also show an increase in volunteering over the past ten years. The increase, then, is affecting major segments of the population regardless of age. A similar phenomenon is taking place in Canada. There too the more recent cohorts account for much of the change. There too volunteering has increased through the 1980s among those born in the 1920s. Half of the increase in both countries can be accounted for by a combination of changes in the age composition of the

## THE RISE IN AMERICAN VOLUNTEERING

Grouping subjects by year of birth shows that volunteering increased within almost every age group during the 1980s.



Source: European Value Study 1981 and 1990.

population (more people in prime volunteering years) and greater political and social involvement.

## WHY AMERICANS VOLUNTEER MORE

Contrary then to what one might believe from reading both Robert Bellah, principal author of *Habits of the Heart*, and Pope John Paul, II, Americans do not appear to be selfish individualists when it comes to volunteering. Americans are significantly more likely to report volunteer service than citizens of 13 of the other 14 countries included in this analysis, with Canada the only country whose volunteer levels even approach the United States's. What, then, explains Americans' higher levels of voluntary service?

Church attendance and membership in religious organizations correlate with volunteering in all the countries (save in Ireland where church attendance does not correlate with volunteering because the attendance rate is so high). Even in the countries where religious activity is not high, as in the Scandinavian countries, religious behavior still has a significant impact on voluntary service. In contemporary social analysis, the procedure for estimating religious influence is to consider other social structural variables first, so that whatever impact religion may have will be residual (that is, it cannot be accounted for by social structure). In the EVS data, age, sex, income, and education account for 36 percent of cross-national variation in volunteer rates. Adding secular organizational membership accounts for 11 percent more. In other words, almost half of the difference in volunteering among the nations can be accounted for by these basic aspects of social structure. Finally, adding the two religious items—church attendance and membership in religious organizations—reduces the unexplained variation to 15 percent. Thus even after the social structural variables are taken into account, 38 percent of the differences among the countries in propensity to volunteer is attributable to religious activity. When all of these are taken into account, significant differences exist between the United States on the one hand and only four other countries—Britain, Northern Ireland, Denmark, and Iceland. (The multiple regression analysis reported here can be found at <[www.agreeley.com](http://www.agreeley.com)>.)

"Volunteer Rates If Religious Activity Were the Same" (see next page) shows the volunteering rates of the various countries if they had the same levels of religious practices as the United States. The dif-

ferences here are much smaller than those actually found in the survey. Sweden, Norway, and Canada would have higher rates than the United States, while Britain would continue to be substantially lower and all the other countries would be 6 percentage points or less lower than the United States. The American "advantage" in volunteering is patently the result of the higher levels of American religious practice.

**M**otivations for volunteering differ considerably across countries. In the United States and Canada, people emphasize idealistic and moral reasons for volunteering, while in Europe they emphasize more pragmatic reasons. In both cases, the reasons people give, of course, may be the culturally fashionable rationalizations for generosity. In his important 1991 book, *Acts of Compassion*, Robert Wuthnow attempts to reconcile the high levels of volunteering in the United States with the "individualism" of Americans. The data here suggest, however, that the real individualists are the Dutch and the Scandinavians and the real idealists or "communalists" are the North Americans.

Religious devotion and religious group membership could be expected to influence volunteering that is church related, but do they also influence volunteering that is not church related? When religious volunteering is excluded, American rates (34 percent) fall somewhat beneath those of Canada (38 percent) and Sweden (38 percent) and are virtually equal to those of Norway (34 percent), Iceland (35 percent), and the Netherlands (33 percent). The American advantage in volunteering is concentrated in church-related voluntary efforts. Twenty-eight percent of Americans volunteer for church-related services, as do 15 percent of Canadians. In all other countries the rates are lower than 10 percent.

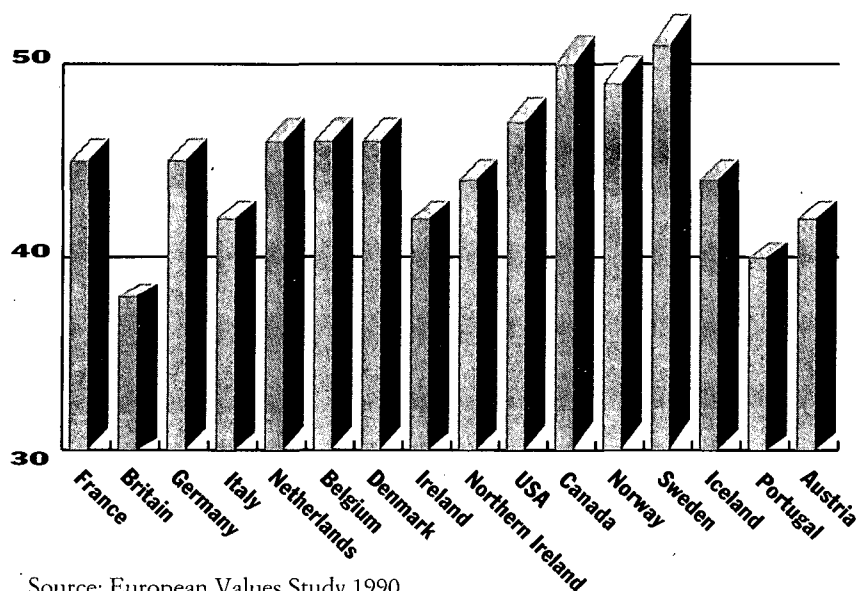
Church attendance has a positive impact, however, on secular voluntary service as does membership in a church-related organization. The correlations between these two variables and all volunteering is 0.16 and 0.32 and between them and secular volunteering is 0.09 and 0.19.

## HOW MUCH IS RELIGION WORTH?

According to Hodgkinson and Weitzman, the mean number of weekly volunteer hours for an American who does volunteer is 4.2 hours. They cal-



## VOLUNTEER RATES IF RELIGIOUS ACTIVITY WERE THE SAME



Source: European Values Study 1990.

culate that Americans perform more than 15 billion hours of volunteer service each year. Assuming a volunteer hour to be worth \$11.58 (the average hourly wage for nonagricultural workers in 1991), the volunteer input to the economy in 1992 was \$176 billion. Since the difference between the United States and West Germany (47 percent versus 30 percent) can be explained entirely by differences in religious practice, one can say that if Americans were like the West Germans in their religious behavior, almost 40 percent of that contribution—some \$70 billion—would be lost.

But how does religion mobilize people for voluntary service? This brings us back to our earlier question about whether religion is a form of “social capital,” a term introduced into American sociology by the late James Coleman. Social capital refers to the “stock” of social relations and shared values that enable people to cooperate. In 1988, Coleman wrote, “Like other forms of capital, social capital is productive, making possible the achievement of certain goals. . . . Unlike other forms of capital, social capital inheres in the structure of relations between actors.” If church attendance and membership in religious organizations lead to voluntary service, we might hypothesize that the relationships sustained by those activities generate social capital.

In 1992 and 1994, Independent Sector, an organization that focuses on nonprofit institutions, conducted a survey that helps to test that hypothesis. This survey found that 52 percent of Americans had volunteered and that 28 percent of the volunteers, by far the largest single group, volunteered for religious projects. Moreover, of the volunteers, 34 percent cited relationships related to their religion as being responsible for their volunteering; the suggestion to volunteer came from a religious organization

or from someone the volunteer knew at his or her church, synagogue, or temple. Moreover, a third of the purely secular volunteers (those who did not volunteer for specifically religious activities) also related their service to the influence of a relationship based in their religion. Finally, the patterns in the teenage sample were similar to the adult sample, thus suggesting that the volunteer phenomenon is likely to be part of American life for many years to come.

Religion seems to focus idealism into projects. Two clusters of values measured “idealism” and “realism” in the adult population; 50 percent of those who were high on the “idealism” scale were volunteers as opposed to 39 percent of those who were high on the “realism” scale. More than half of the “idealists” reported the influence of religion-based relationships as opposed to fewer than a third of the “realists.” The combination of cultural values and contact with religious organizations accounts for much of the volunteering effort.

The impact of religious organization on volunteering is also illustrated by data from the U.S. Office of Education showing that students in Catholic high schools are more likely to volunteer (even factoring out that marvelous Catholic oxymoron, required volunteering) than students in

public high schools or other private schools. Moreover, data from a survey of college students conducted by Alexander Astin at the University of California at Los Angeles, show that students in Catholic colleges are more likely to volunteer than the national average.

### IS VOLUNTEERING IN DECLINE?

Some critics have seen a decline in volunteering in recent years, as demonstrated by changes in volunteering reported by Gallup in a biennial poll for Independent Sector. But the trend isn't clear. According to this survey, the proportion of Americans who volunteer rose from 45.3 percent in 1987 to 54.4 percent in 1989, then fell to 51.1 percent in 1991 and to 47.7 percent in 1993, and then rose again to 48.8 percent in 1995. Such variations are not unusual in repeated surveys and are almost always considered to be a "float and bounce" phenomenon that does not represent real change. The standard technique in such cases is to pool years to determine whether there is a genuine trend. If one pools the data from the late 1980s and from the early 1990s, the rate for 1987-89 is 49.8 percent and for 1991-95 is 49.2 percent—not much of a trend.

The EVS data suggest, on the other hand, a 10 percentage point increase between 1981 and 1990 from 37 percent to 47 percent in volunteering in the United States. (The latter figure is lower than the lowest of the Independent Sector estimates.) The EVS data also show strong increases among younger people. There is little reason to doubt that in the present decade approximately half of the Americans older than 18 do volunteer and that this is the highest volunteer rate in the Western world.

**M**y argument in this paper is limited. Voluntary service is a sign of generosity, civic responsibility, and ethical concern. It has increased rather than decreased since 1981. It is higher in the United States than in any other of the 16 countries studied. The American lead over other countries is largely the result of higher levels of religious practice in this country. Religious structures generate social capital that motivates people to volunteer, especially those who already have idealistic orientations.

I do not contend that Americans are the most generous people in the world; rather I assert merely that they are the most likely to volunteer (though they are also the most likely to make higher volun-

tary financial contributions as a proportion of income too). I do not deny that in other areas of behavior Americans might lack personal or social commitment; I merely suggest that this particular commitment should not be ignored (as ABC News did last year in a presentation on "The Disappearing Volunteer"). I do not contend that volunteers are the solution to all the nation's social problems; I merely argue that they make an important contribution to easing some problems. I do not contend that the volunteer movement is a sign of a massive transformation of American civic responsibility and an enormous improvement in their "habits of the heart"; I merely suggest that it is a sign of improvement in a particular form of admittedly imperfect generosity.

Colleagues have suggested to me that I must agree with Charles Murray's view that charity should replace public support for those in distress. I cannot imagine by what leap of the imagination they think so. It is one thing to report on the impressive volunteer phenomenon and quite another to say that it will permit the government to withdraw from most of its social services. Nor can I understand the charge from other colleagues that my position is "conservative." Why should it be conservative or liberal to see both positive and negative trends in American society?

I freely concede that this limited and gray-toned message doesn't have much homiletic value for those who would play the role of Puritan divines or of the prophets in the Jewish scriptures. But these are the facts: The North American countries, often dismissed as selfish and materialistic, are the most likely to have high rates of voluntary service, and those rates rose in the 1980s while they remained stable in Europe. This generous, religiously driven "habit of the heart" makes a major contribution to the economy and to the general welfare of the country. American commentators, serious and popular, rarely note the positive role religion can and does play in American life and instead tend to see religion as exacerbating conflicts. They often speak of "culture wars," although empirical evidence is hard to find that Americans are at war culturally with one another (other than in the public pronouncements of some religious leaders). There are many more religiously motivated volunteers than there are activists engaged in culture wars. Any fair assessment of American society and culture at the present time cannot ignore that fact.□

# THE BIG TILT

## PARTICIPATORY INEQUALITY IN AMERICA

BY SIDNEY VERBA, KAY LEHMAN SCHLOZMAN,  
AND HENRY E. BRADY

**R**ecent debate about American society has focused attention on declining civic participation and the consequent fraying of the social fabric. Are declining bowling league memberships evidence of the erosion of civil society? Or are bowling leagues just being replaced by youth soccer leagues? Lost in the discussion is the fact that what matters is not only the amount of civic activity but its distribution, not just how many people take part but who they are.

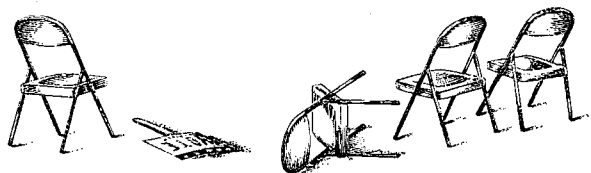
In discussions of declining civic engagement, one widely noted trend is a decline in electoral turnout:

From a recent high of 63 percent in the 1960 election, voting in presidential elections diminished gradually, until in 1996 it dipped to its lowest level since 1924—49

percent. What is less frequently mentioned, however, is that the falloff in turnout has been uneven across educational groups. Between 1968 and 1992, turnout rates among those who never finished high school declined by about a third; among college graduates turnout rates held steady. The result is an electorate that is not only smaller in relative size but also less representative of all eligible voters.

### PARTICIPATORY EQUALITY IN AMERICA

Citizen participation is at the heart of democracy. Through their activity, citizens in a democracy seek to control who will hold public office and to influence what the government does. Political participation provides the mechanism by which citizens can communicate



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information about their interests, preferences, and needs—and generate pressure to respond. In a meaningful democracy, the people's voice must be clear and loud—clear so that policymakers understand citizen concerns and loud so that they have an incentive to pay attention to what is said. And since democracy implies equal consideration of the interests of each citizen, participation must also be equal.

In our recent book, *Voice and Equality: Civic Voluntarism and American Politics*, we investigated the neglected issue of inequality in participation and its meaning for contemporary American democracy. This inquiry was based on the Citizen Participation Study, a two-stage study that began with a representative sample of more than 15,000 Americans. We then conducted longer, in-person interviews with 2,517 of the original group. The data from these sources provide the evidence for the conclusions discussed here.

**I**t is well known that the United States lags behind other democracies in voter turnout. What is less frequently acknowledged, however, is that when it comes to other forms of political activity—for example, campaigning, becoming active in the local community, or contacting government officials—Americans are as active as or substantially more active than citizens elsewhere. Compared to other democracies, however, participation in America is very unequally distributed, hewing closely to the fault lines of social class. The bias in participation toward the well educated and the well heeled is evident around the world, but it has been particularly pronounced in the United States.

There is disagreement about the extent to which, if at all, nonvoting forms of political activity have decreased. But one form of participation that seems to have increased is contributing to political campaigns. Data separated by two decades (a 1967 study of participation conducted by one of us, Verba, and Norman Nie; and a 1987 replication by the General Social Survey) show that the proportion of Americans contributing to campaigns has nearly doubled over the past 20 years, rising from 13 percent to 23 percent of the population. The enhanced role of paid professionals (as opposed to amateur volunteers) in

managing campaigns and the development of sophisticated telephone and mass-mail techniques of raising money have combined to diminish the significance of citizens as volunteers and to augment their role as writers of checks. As campaigns have become more professionalized and technology dependent, the demand for volunteers has not kept pace with the demand for funds. Data from the Citizen Participation Study show that more than two-thirds of all those who donate time or money to political campaigns limit their involvement to check writing. In short, while it is difficult to give time to a campaign without also being expected to give money, the opposite is not true.

## OF TIME AND MONEY

The increasing role of contributions as a form of political activity, which goes hand in hand with rapidly rising campaign costs, has profound implications for political equality. When money replaces time as the principal form of political currency, the playing field is no longer level. The number of people who can be effective players is diminished. The range of issues articulated is narrowed.

As resources for politics, time and money have obvious differences. Time is more evenly distributed than is money; the best endowed of us has only 24 hours in a day. Unlike money, time cannot be banked for later use. The gap in dollars between the richest and poorest is far wider than the gap in hours between the busiest and most leisured.

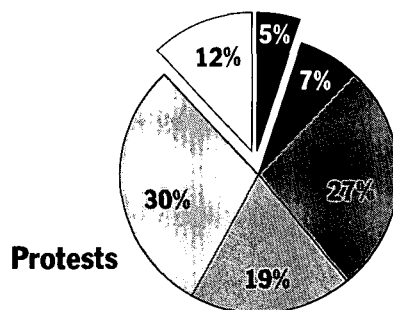
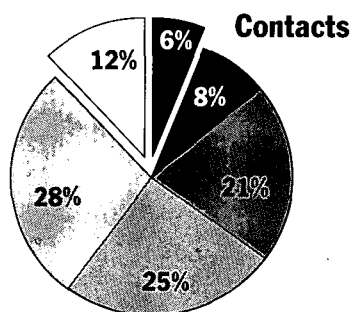
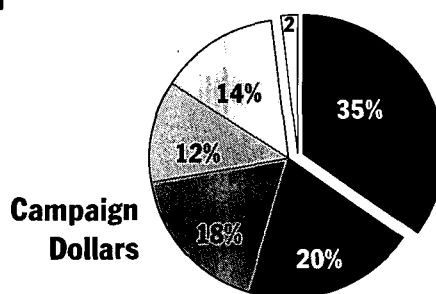
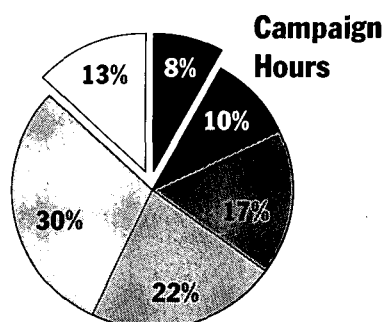
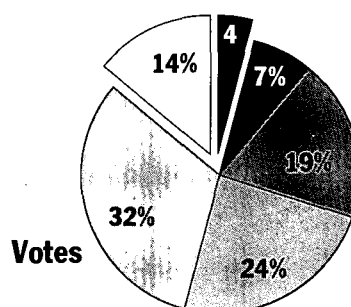
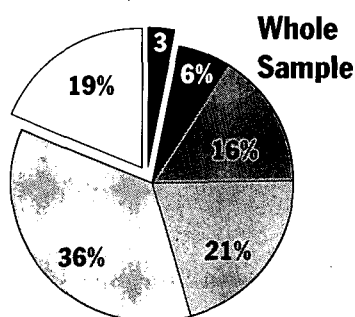
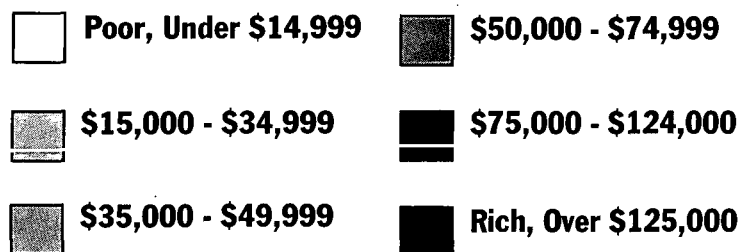
Who enjoys the luxury of excess money or time to devote, if desired, to political participation? In case it was not apparent before Hemingway's famous observation, the rich have more money. Moreover, in comparison with other developed democracies, income and wealth are distributed relatively unequally in the United States, a trend that has become more pronounced over the past decade and a half. Our data demonstrate, however, that free time is not related to income or other measures of socioeconomic status. Instead, what determines how much free time is available are such life circumstances as having a job, a spouse who works, or children, especially preschool children.

Because the wealthy are more likely than the poor to be active in politics, the increased emphasis

**W**hat matters  
is not just how  
many people  
take part but  
who they are.



## WHO PARTICIPATES AND HOW?



Source: Verba, Schlozman, and Brady, *Voice and Equality: Civic Voluntarism in American Politics* (Cambridge, MA: Harvard University Press, 1995).

on making contributions as a form of political activity is fraught with potential consequences for participatory equality. Compare the top tenth in income (those with family incomes above \$75,000) with the bottom fifth (who made \$15,000 or less). The latter are about three-fifths as likely to vote, only half as likely to go to a protest or to get in touch with a government official, only one-third as likely to engage in informal activity within the community—and only one-tenth as likely to make a campaign donation. Considering only those who were active as campaign volunteers, those in the lowest income group actually gave more time—an average of four hours a week more—than did those in the highest income category. Among those who gave money to campaigns, however, the situation is, not unexpectedly, very different. Contributors at the top of the income ladder gave, on average, nearly 14 times as much as those at the bottom.

We can push this line of reasoning one step further by using units of participatory input rather than individuals as our metric. "Who Participates and How?" shows how participation is apportioned among income groups. The pie chart in the upper left of the figure indicates the distribution of various family income groupings within the population as of 1990. The other charts show the proportion of activity emanating from various

income categories: votes cast; the number of hours worked in campaigns; the number of dollars contributed to candidates, parties, and campaign organizations; the number of contacts with public officials; and the number of protests attended.

The chart on the upper right shows the distribution of votes in the 1988 presidential election from various income groups. Because each individual may vote only once in the presidential election, the distribution of individuals and the distribution of activity are the same. In the other charts, individuals are weighted by the amount of activity they donate. The activist population presents a very different income perspective than the population as a whole. Those at the top of the income hierarchy produce more than their proportionate share of votes, campaign hours, contacts, protests, and campaign dollars. The 3 percent of the sample with family incomes over \$125,000 are responsible for 4 percent of the votes, 5 percent of the protests, 6 percent of the contacts, 8 percent of the hours devoted to campaigning, and fully 35 percent of the money contributed. Indeed, when it comes to campaign dollars, the top two income groups—who form less than 10 percent of the population—donate more than half of the money. At the other end of the income scale are the 19 percent of the sample with family incomes under \$15,000. They are responsible for only 14 percent of the votes, 13 percent of the hours volunteered in campaigns, and 12 percent each of the contacts and protests. And when it comes to making electoral contributions, they are barely visible, donating only 2 percent of the campaign dollars.

In short, when dollars substitute for hours as the essential unit of political input, participation becomes more unequal. Growing income inequality in the United States will only exacerbate the situation.

#### WHAT DO THEY SAY?

Why should we care that some people are much more active than others and, therefore, that government officials hear much more from some quarters than from others? Because if those who do not take part in politics are distinctive in their opinions or in

When money replaces time as the principal form of political currency, the playing field is no longer level.

their needs for governmental action, then the democratic principle of equal responsiveness to all may be compromised. The Citizen Participation Study shows clearly that those who are especially active in politics do not necessarily represent the views or the priorities of those who are more quiescent. And when those who are disadvantaged by virtue of low levels of education or income do participate, they express distinctive

concerns, needs, and opinions.

In our survey we asked all respondents who indicated that they, or any family member in the household, received a particular government benefit whether they had been active in relation to that benefit: Had they taken that program into account in deciding how to vote? Had they given a campaign contribution based on concern about the program? Had they contacted an official to complain about it? Did they belong to an organi-

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zation concerned about that program?

Recipients of non-means-tested benefits (for example, veterans' benefits, Social Security, or Medicare) are more likely than recipients of benefits targeted at the poor (such as welfare assistance, food stamps, or Medicaid) to have taken part in each of these activities. The differences are especially striking when it comes to membership in an organization associated with benefits for veterans or the elderly—presumably reflecting the role played by veterans' organizations and the American Association of Retired Persons. Thirty-five percent of the recipients of veterans' benefits and 24 percent of the recipients of Social Security, in contrast to 2 percent of welfare recipients and none of the food stamp recipients, belong to an organization concerned about the program. Clearly, the government hears more from some of its beneficiaries than from others—and the ones it hears from are the more advantaged.

When we probed what political activists actually say, we learned that those at the top and bottom of the social hierarchy talk about different subjects when they take part in politics. The disadvantaged (the roughly one-sixth of the public having no education beyond high school and 1990 family incomes below \$20,000) are more than twice as likely—and those in families receiving means-tested benefits are more than 4 times as likely—to discuss concerns about basic human needs such as poverty, jobs, housing, and health. In contrast, the activity of the advantaged (a somewhat smaller group, having at least some college education and 1990 family incomes above \$50,000) is more likely to have been inspired by economic issues such as taxes, government spending, or the budget, or by social issues such as abortion or pornography. The disadvantaged are much less active than the advantaged; they send an average of less than one-quarter the number of political messages each. Hence public officials hear much less about issues of basic human need that concern the disadvantaged than

they hear about the concerns of the somewhat smaller group of advantaged respondents.

Moreover, the activity of the disadvantaged is much more likely to be animated by problems that affect them personally. Even affluent citizens may require government assistance with respect to

basic human needs: They may have health problems or a handicapped child in school; if elderly, they receive Medicare and Social Security. Still, a much larger proportion of the messages from the disadvantaged about basic human needs involve communications about problems specific to themselves or their families: a question about eli-

Public officials receive so many more messages from the advantaged than the disadvantaged that their picture of public opinion is profoundly distorted.

gibility for Social Security, a complaint about the conditions in a housing project, or a request by a respondent with disabilities for special transportation, to cite some actual examples. Of those who communicated to public officials about issues of basic human needs, 71 percent of the disadvantaged, but only 29 percent of the advantaged, were discussing something with an immediate impact upon themselves or their families. Stories about basic human needs sound different to policymakers when told by the needy themselves. Our data suggest, however, that public officials do not often hear directly from the needy.

What about when activists discuss these matters as policy issues rather than as problems in personal life? Americans disagree profoundly about the appropriate governmental role in addressing problems of basic human need. To the extent that disadvantaged participants made identifiable policy statements in conjunction with their activity, none of them suggested reducing public attention to issues of basic human need. In contrast, advantaged activists expressed much more mixed policy views about these issues in connection with their activity: Some want expansion, some want cuts. What is the result of all this? Despite the fact that the disadvantaged care more about basic needs and speak about them when they express their views, the advantaged are so much more active than the disadvantaged that public officials actually receive more messages from the advantaged suggesting a curtailment of govern-

ment social programs than messages from the disadvantaged urging an expansion of them.

Our results place into perspective some of the controversies surrounding the unprecedented sums of money collected in connection with the 1996 election. According to the *New York Times*, Democratic fundraiser John Huang "appealed to the aspirations of a group eager to have a political voice equal to its accomplishments in American society, and he focused his efforts on those he knew best: the prosperous Chinese-Americans living in the suburbs of Los Angeles and New York." The Asian Americans who gained political voice though his efforts were not Laotian or Cambodian refugees crammed into urban tenements. Nor were they even middle-class Asian Americans concerned that their children face discrimination in entrance to competitive colleges. Rather, the newly articulate voices came from the kinds of well-heeled business interests traditionally well represented in American politics. As a route to political influence, this path contrasts sharply with the one taken by older immigrant groups, epitomized by the Irish, who worked within parties that welcomed them and capitalized on their sheer numbers at the polls.

To be sure, public officials act for many reasons, only one of which is their assessment of what the public wants and needs. And policymakers have other ways besides citizen participation of learning about public views. Nonetheless, what public officials hear influences what they do. Democracy rests on the notion that the needs and preferences of no individual should rank higher than those of any other. This principle undergirds the concept of one person, one vote as well as its corollary, equality of political voice. Thus any system that denies equal participatory rights violates a fundamental principle of democracy.

#### ARE UNIONS THE ANSWER? ARE CHURCHES?

What can be done to diminish the participation gap that separates the advantaged and the disadvantaged? The usual prescription is "Organize!" What is traditionally meant by the call for organization is advocacy, joint activity on behalf of the shared concerns and interests of the underrepresented, a strategy with a long history of producing results in American politics.

Organizations—even organizations that are utterly apolitical—operate in many ways beyond advocacy

to foster political participation. Organization members are exposed to political cues and messages. In addition, organizations can act as the locus of attempts at political recruitment; organization members make social contacts and thus become part of networks through which requests for participation are mediated. And they encourage the development of skills that can be transferred to political activity; while organizing the PTA Book Fair or chairing a large charity benefit are activities that are not in and of themselves political, individuals learn those communication and organizational skills that can make them more effective participants.

Expecting organization of the disadvantaged to be the magic remedy that will overcome class-based participatory imbalances is misguided, however, because the cure contains the seeds of the malady. A great deal has been written recently, including in these pages, about the decline in organizational affiliation [see Robert Putnam, "The Strange Disappearance of Civic America," *TAP*, Winter 1996]. However, the controversy over the decline in civic involvement has neglected consideration of inequality in civic involvement. Data collected in 1967 indicate that those on the highest rung of the income ladder were 3 times as likely to be active members of organizations as those at the bottom. In 1990 the ratio was exactly the same. In short, the participatory benefits of organizational

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activity are being reaped by those who are already politically involved.

Interestingly, religious institutions might play the compensatory role often ascribed to organizations. Americans are more likely than citizens in other countries to be affiliated with a religious institution, to attend services, and to take part in educational, charitable, or social activities in conjunction with their churches. [See Andrew Greeley, "The Other Civic America," page 68.] Churches function much like organizations in cultivating political engagement, acting as sites for political recruitment, and fostering the development of civic skills. And since they do so on a relatively egalitarian basis, religious activity has the potential to act as a corrective factor for participation, partially offsetting the impact of socioeconomic advantage.

Since churches and unions function similarly in fostering political activity, we might argue that the strength of religious institutions would counterbalance the traditional weakness of labor unions (which now represent a lower proportion of workers than at any time since just before the New Deal). For example, a blue-collar worker is more likely to practice civic skills in church than in a union—not because American unions are particularly deficient as skill builders, but because so few American blue-collar workers are union members and so many are church members. In short, if the less advantaged are not developing skills on the job (as the well educated do) or in unions (as blue-collar workers elsewhere might), they may be doing so in church. Hence, because churches pinch-hit for unions in encouraging participation, we might conclude that the weakness of American unions does not compromise the democratic representation of the less well off.

However, churches and unions are institutions with political concerns of their own. They are not interchangeable when it comes to reducing participatory inequality. It has long been a part of the union mission to represent the less advantaged in the halls of government. Although religious institutions do sometimes take on this function—the Catholic Church, for example, often acts as an advocate for the poor—the economic needs of the less well off rarely top their lists of political priorities. Over the years churches in America have embraced many issues ranging from temperance to civil rights. But the center of gravity of the religious agenda in politics today is a conservative concern with social issues,

with a particular focus on advocacy of pro-life views on abortion. Thus there is no reason to expect American religious institutions to act as a substitute for unions or other organizations in bringing to the attention of public officials the economic needs and preferences of the disadvantaged.

In the preface to *Voice and Equality*, written shortly after the 1994 elections, we thanked both President Clinton and House Speaker Gingrich for behaving in ways so consistent with our analysis. As we write this essay in the immediate aftermath of the 1996 election, we have no reason to diminish our gratitude to the parties and the candidates who took part. The unstated assumption during the campaign seemed to be that if policymakers were to threaten the interests of groups ranging from senior citizens to tobacco manufacturers to veterans, there would an outcry in return. However, certain groups could be ignored with impunity. The needs and desires of inactive publics with an obvious stake in government policy—welfare recipients are the most obvious example—were simply not part of the campaign discourse.

Political conflict in America has traditionally been less deeply imbued with the rhetoric of class than in other democracies. In recent years, however, references to class seem to have become less common in our political vocabulary than at any time since before the New Deal. Various developments over the past couple of decades might account for that silence: the success of the Republican Party in defining itself as the party of the common folk; the focus by the Democratic Party on the needs of the middle class rather than the poor as the object of government attention; the erosion of the membership and power of labor unions; the emphasis upon multiculturalism; the declining appeal of Marxist social analysis as an intellectual tool; and changing occupational structures and the concomitant reduction in manufacturing employment. Nevertheless, when it comes to political participation, class matters profoundly for American politics. As long as inequalities in education and income persist, as long as Americans have unequal opportunities to develop and practice civic skills, and as long as citizens increasingly donate money rather than time to politics, the voices heard through the medium of citizen participation will be loud, clear, and far from equal.□

DEAN BAKER

# The Privateers' Free Lunch

**B**ehind the various proposals for privatizing Social Security, in whole or in part, is one seductive assumption. By investing their savings individually in financial markets, rather than collectively relying on the Social Security system, workers supposedly will get a greater return. This premise is the basis of the proposals by two factions of the Social Security Advisory Council for government-mandated individual savings. It seems a reasonable belief, particularly given the stock market's stellar growth in recent years.

But it turns out the claim is based on inconsistent assumptions about economic growth and stock market returns. The Social Security Advisory Council's own projections of growth are far too pessimistic to justify the projections for the stock market. An accurate comparison of all the costs and returns of private savings plans with the costs and returns of the existing Social Security system shows that a mandated savings plan, in which retirees invested their money individually, would simply not generate higher retirement income than the present Social Security system.

**F**irst, here is a quick primer on the relationship between corporate profits and the stock market: A shareholder's return on an

investment comes in two parts—dividend payments and the rise in the price of the stock. Ultimately, both sources of return depend on the profits per share, since dividends depend on a company's profits and stock prices depend on a company's ability to generate future profits. Thus the rise in the value of the market through time closely reflects the growth in average corporate earnings.

Assuming that labor's share of national income does not change, profits will grow at the same rate as the economy as a whole. In the Social Security trustees' "intermediate scenario," the standard basis for policy projections, the growth rate through 2005 will average 2 percent a year. It slows to just 1.3 percent by the year 2020. The average over the whole 75-year period is projected at just under 1.5 percent.

Those growth figures suggest the likely returns to shareholders over the next 75 years. As noted, an investor's total return is a combination of dividend payouts plus stock price increases. At present, the average price-to-dividend ratio of all stocks averages 34.8 to 1. This implies a return in dividend payouts equal to 2.87 percent of an average stock's price. Adding 2.87 percent to

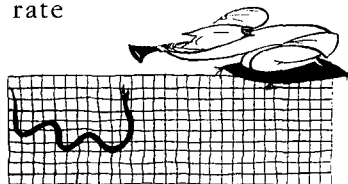
projected economic growth rates we find that total investment return, including both dividends and stock price growth, averages 4.36 percent a year over the 75-year planning horizon.

## HEROIC ASSUMPTIONS

This is where the privateers' case starts to fall apart. Members of the same Social Security Advisory Council who support privatization assume a total annual return to stockholders of 7 percent. When you consider the effect of compounding, the difference in the two assumptions is dramatic: If the stock market yields an average return of 7 percent, as the council assumed, \$1,000 will grow to nearly \$15,000 after 40 years. But if the expected return is 4.36 percent, as seems more reasonable, it will only grow to \$5,530.

How did the council come up with such an optimistic figure? Like most other conventional analyses, it reflects simple extrapolations from the past—rather than the council's own projections of the future. Over the last 75 years, the average real return for stockholders was close to 7 percent. But that reflected an economic growth rate of approximately 3.5 percent.

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However if, as the trustees project, growth over the next 75 years averages less than 1.5 percent—a decline of more than 2 percentage points—stock price growth will also decline by roughly 2 percentage points.

Also, the recent steep run-up in stock prices has put prices well beyond what seems reasonable for the dividends they are paying out. Over the past 18 years the price of an average share of stock has risen from just 9 times annual earnings to more than 20 times earnings. The current dividend-to-price ratio of 2.87 percent is nearly a full percentage point below the average of 3.65 percent over the period from 1959 to 1995.

If the projections of overall economic growth in the trustees report are accurate, the only way the stock market can generate higher returns than the intermediate-range projection of 4.36 percent over 75 years is if the ratio of share price to company earnings rises to astronomical levels. For the stock market to yield the 7 percent the council assumes it will, the price-to-earnings ratio would have to hit 34 to 1 in 2015, and 485 to 1 by the end of the planning horizon in 2070, assuming that profits and dividend payouts grow in tandem with the economy as a whole.

Constant, accelerating increases in stock prices are not altogether unthinkable—for limited periods of time. The history of capitalism is marked with speculative bubbles of this sort dating from the tulip bulb mania in seventeenth-century Holland and the South Sea Bubble in eighteenth-century England to the

run-up of stock prices in the United States in the 1920s and Japan in the 1980s. In each of these cases, speculation led investors to bid up the price of stocks, well beyond the prices that reflected their actual value—

just as commentators as mainstream as Alan Greenspan suggest is happening in the United States today.

Eventually, however, such bubbles inevitably burst and prices come crashing down to the point where they reflect underlying values. Assuming such a correction does occur sometime in the next 75 years, it's highly unlikely that the prices of stocks would continue to be so out of synch with corporate earnings. And unless there is some magical way for corporate earnings to outpace overall growth, then we're stuck with a rate of return way below what the council had in mind. Retirees in the mid-twenty-first century would be far worse off than the council predicts.

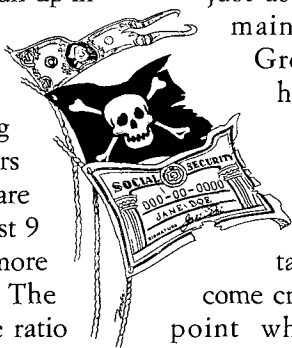
**T**he only other way to generate higher market returns would be for profits to come at the expense of wages—in other words, stockholders would make more money and workers would make less. In this generally labor-unfriendly political climate, such a shift might not seem unlikely. But consider just how large the shift would have to be. To allow 7 percent shareholder returns, assuming a constant price-to-earnings ratio, the change in wages would have to be 37 percent below their current growth

path in the year 2035. By 2055, real wages would have to be 82 percent lower than their projected level in the intermediate scenario—and by 2070 wages would actually be negative! Even a stock market return of only 6 percent would need to be supported by an 18 percent reduction in wages by the year 2035.

## THORNY SCENARIO

Keep in mind that we are talking here about average returns. In any given year, some stocks will do better, some worse. And some individuals will retire at a point where the market has just taken a sharp downturn. From 1968 to 1978, the stock market fell by 44.9 percent in real terms. People who retired in the late 1970s and financed retirement from stock sales had a return well below the historic market average. Moreover, some individuals, with bad judgment or bad luck, will end up with stocks that significantly underperform the market.

There is one more big correction: brokerage fees and commissions. According to an analysis done for the Social Security Advisory Council, on average these costs would be just 1 percent of the value of equities in personal savings accounts, which doesn't sound all that bad. But in fact, the real cost may be significantly higher. Brokerage fees on a normal mutual fund cost around 1.5 percent annually. Add to this the cost of the extra regulation necessary for these government-mandated accounts, and total administrative expenses become 1.94 percent of equity. In smaller accounts, the administrative costs would exact an even higher percentage. Insurance adds yet



another cost—an additional 0.10 percent or more to the cost of administering the funds. Precisely estimating the fees for the accounts is difficult: For our purposes, we can assume that the annual fees will be 2.5 percent for a low-wage worker (\$12,000 a year), 2 percent for a middle-income worker (\$25,000 per year), and 1.5 percent for a high-income worker (\$50,000 per year).

There are exceptional funds, such as the nonprofit Teachers Insurance and Annuity Association College Retirement Equities Fund (TIAA-CREF), whose expenses are considerably lower than the average. In principle, it is possible that strict government regulation could push the industry costs down to TIAA-CREF levels. However, this would likely require a confrontation with the financial industry, for whom these expenses are a way to make money—and it seems unlikely that Congress and the President would have the political will to do it.

**T**o further refine our projection of retirement income, we should also take into account how investors would divide their holdings between stocks and other assets. The calculations prepared for the Social Security Advisory Council assumed that 50 percent of holdings would be in stocks and 50 percent in bonds, which is roughly how people with 401(k) retirement accounts divide their assets today. This is a reasonable enough

## PRIVATIZATION: UNHAPPY RETURNS

### Lifetime Accumulations

	Final Wage	Low Return	Mid Return	High Return
Low Income	18,778	42,973	45,767	48,356
Middle Income	39,120	95,754	103,621	109,661
High Income	78,240	208,006	225,630	239,162

### Average Net Returns

	Low Return	Mid Return	High Return
Low Income	0.79%	1.21%	1.50%
Middle Income	1.14%	1.56%	1.95%
High Income	1.49%	1.91%	2.20%

assumption for projecting average returns, but it is important to note that many workers at present opt for much more conservative allocations, which involve holding little or no stock. This reduces risk—but it also lowers the expected return.

In the trustees' intermediate projections, the expected annual return from holding bonds is 2.3 percent. Holding bonds through a bond fund incurs its own expenses: For this analysis, we can assume that low-income workers pay fees averaging 1.2 percent of their bond holdings, middle-income workers pay fees averaging 1 percent, and high-income workers pay fees averaging 0.8 percent.

### AND THE LOSERS ARE . . .

Now, finally, we can see what privatization would actually mean. The above table, "Privatization: Unhappy Returns," demonstrates how workers with mandated savings accounts would fare, given the returns and holding costs for stocks and bonds outlined in this article. The table also shows the wage that each worker can be expected to have in their last year

of work. The returns range from 2.2 percent for high-income workers in the optimistic scenario to just 0.8 percent for low-income workers in the pessimistic scenario.

The other table, ("Dwindling Pensions," page 84) shows the number of years these sums would support a worker in retirement, assuming retirement incomes that are respectively 30 percent, 50 percent, and 70 percent of the final year's wage. In the high-return scenario, the accumulation would be sufficient to support a low-income worker at 30 percent of their final pay for nine-and-a-half years. It would support a high-income worker at a 30 percent level for eleven-and-a-half years. At a 50 percent replacement ratio (the ratio of retirement income to the worker's final salary), a low-income worker would have support for 5.5 years and a high-income worker for 6.6 years. In the low-return scenario, a low-income worker could only be supported at 30 percent level for 8.2 years, and a high-income worker for 9.8 years.

According to the trustees, in the year 2040 life expectancy past age 65 will be 17.2 years for



men and 20.9 years for women. Thus the replacement ratio that could be supported through a 19-year retirement ranges from 19 percent, in the case of a high-income worker in the optimistic scenario, to just 14 percent in the case of a low-income worker in the pessimistic scenario. Putting this in dollar terms, the replacement ratio for a high-income worker in the optimistic scenario implies that a worker earning \$50,000 a year at the time of their retirement would have a retirement income of \$9,500 per year. The replacement ratio for a low-income worker in the pessimistic scenario implies that a worker earning \$12,000 at the time of retirement would receive just \$1,680 annually.

By comparison, Social Security pays the low-income worker an annual income equal to 56.7 percent of their final wage. The middle-income worker would receive 43.9 percent, and the high-income worker would get 31.4 percent.

It is true that these numbers do not provide a direct basis of comparison between the two programs since the current Social Security program will need some modest combination of tax increases and benefit reductions to remain solvent. Also, most mandated savings proposals provide for a poverty-level benefit of approximately \$5,000 a year to be paid in addition to whatever money is privately accumulated. On the other hand, the tax increases specified under the mandated savings proposals are approximately the same magnitude as the increases that would be needed to keep Social Security solvent.

Yet another important factor in evaluating alternatives is that

Social Security provides its payout in the form of a real valued annuity, a payment that continues for the life of the worker and is not diminished by inflation. Annuities are very costly in the private market, and insurance against inflation is generally unobtainable. Therefore, for workers seeking a secure retirement, the dollar sums provided by Social Security significantly understate the true value of the benefit.

**T**he bottom line is this: When all the

correct projections and assumptions are made, the data show that the accumulations a privatized system would generate could not sustain a worker at an income equal to even 30 percent of his or her final wage for more than 12 years. Even in the most favorable scenario, a worker can only expect to earn 20 percent per year of what he or she earned in his final year of employment for the duration of his retirement.

Of course, it's possible that the council is being too pessimistic about future growth. But if the economy were to grow at its historic 3.5 percent rate, Social Security revenue would rise and the Social Security accounts would be much closer to balance—leaving no actuarial crisis to justify the call for privatization.

Some advocates of government-mandated saving insist that growth will in fact increase—

## DWINDLING PENSIONS

Percentage of Final Wage	30%	50%	70%
<b>Years of Retirement Income</b>			
<b>Low Return</b>			
Low Income	8.2	4.8	3.4
Middle Income	9.0	5.2	3.7
High Income	9.8	5.7	4.0
<b>Middle Return</b>			
Low Income	8.9	5.2	3.6
Middle Income	9.8	5.6	4.0
High Income	10.7	6.2	4.3
<b>High Return</b>			
Low Income	9.5	5.5	3.8
Middle Income	10.4	6.0	4.2
High Income	11.5	6.6	4.6

*Assumes 2% real return after retirement.*

Source: Author's calculations.

precisely their new program. Higher rates of saving will produce higher rates of investment, and hence higher growth. But shifting Social Security taxes into mandated savings accounts will not increase the total supply of savings. Despite this knowledge, many economists have accepted the simple premise that such a system can generate higher returns for retirees because of the superior yields of the stock market. But simple arithmetic proves otherwise. The projections for the stock market are plainly inconsistent with the projections for growth.

Advocates of privatization frequently accuse their opponents of ignoring the fiscal realities of Social Security's solvency crisis. But before the privateers convince America that their path to reform is the right one, they might want to check their own arithmetic. There is no free lunch.□

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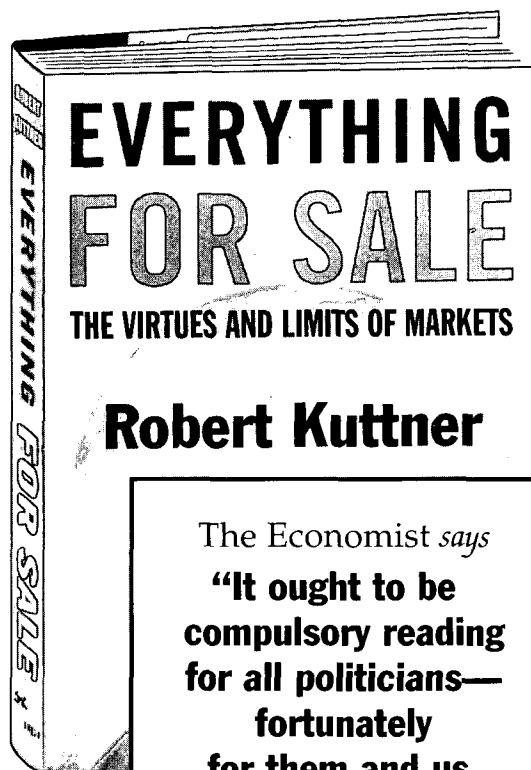
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ARLENE SKOLNICK

# Family Values: The Sequel

In 1976, a team of social researchers returned to the small midwestern city that Helen and Robert Lynd immortalized as "Middletown" a half century earlier in the sociological classic by that name. Like the rest of the country in the 1970s, Middletown—actually Muncie, Indiana—had been shaken by the series of social and cultural upheavals that had suddenly undone the seemingly placid domesticity of the postwar era—the pill, the sexual revolution, the women's movement, the divorce revolution. Middletowners were strikingly ambivalent about these changes. For example, they "detested" divorce. Nostalgic for the era when divorce was scandalous and hard to get, they deplored the weakening of the spiritual foundations of marriage.

Nevertheless, by 1976 a majority of Middletowners had experienced one or more divorces in their own families. Asked about the divorces of people they knew, they expressed little disapproval. Speaking of the breakup of a daughter's marriage to an alcoholic or of a friend's to a philanderer, they said they were glad that divorce was now easy to get and no longer shameful. As one woman put it, "Women no longer feel they have to be married to be accepted. Women aren't staying in a miserable situation just to say they have a husband."



Middletown both opposed divorce and supported it. As the researchers noted, however, these attitudes are not as contradictory as they seem at first glance. Middletowners were deeply committed to marriage as an institution and a way of life, but they did not believe that loveless marriages should remain intact. They saw divorce as a necessary remedy, but worried whether divorce had become too easy. In short, Middletowners were moralists about marriage in general and pragmatists when it came to particular troubled marriages.\*

\*Theodore Caplow et al., *Middletown Families: Fifty Years of Change and Continuity* (Minnesota University Press, 1981).

Two decades later, Americans have still not come to terms with the gap between the way we think our families ought to be and the complex, often messy realities of our lives—or as John Gillis puts it, in his new book *A World of Their Own Making*, the gap between the families we live with and the symbolic families we "live by."

Back in the 1970s, when the research team returned to Middletown, family was not yet a major partisan issue. By the end of the 1970s, however, "family values" had become a major battleground in a still ongoing political and cultural war. In 1980, the moral uneasiness of Middletown and the rest of America served as political fuel that helped launch

the Reagan era and the conservative ascendancy.

In 1992, it looked as if the fuel finally had run out; voters were turned off by Dan Quayle's attack on Murphy Brown, Marilyn Quayle's attack on working women, and Pat Buchanan's call for a religious war for "family values." In August 1993, columnist Christopher Matthews predicted that never again would the Republicans waste their resources on the "fool's gold" of cultural issues. Instead, they would follow the Clinton campaign mantra "the economy, stupid." "The GOP has done a political/moral gut check and decided that the most vital 'family value' is a daddy, mommy, or live-together bringing home the bacon."

Yet less than a year after the election, "Dan Quayle was right" became the new national consensus. A sudden surge of op-eds, magazine articles, and talk show punditry warned that the growth of single-parent families was the root cause of poverty, crime, youth violence, and other social ills and thus the single greatest problem facing the nation. (*The American Prospect*, in its Summer 1994 issue, was one of the few publications to look critically at these claims.) With liberals and moderates joining in, the conservative rhetoric of moral crisis has come to dominate discussions of welfare, education, and crime and helped to drive American domestic policy well to the right.

With yet another national election behind us, it is a good time to step back and reflect on the strange career of "family values" as a theme in American political life. Why was the pub-

lic's verdict on Dan Quayle so quickly reversed? Along with his economic message in 1992 Clinton had articulated a pluralistic vision of family values: "an America that includes every family. Every traditional family and every extended family. Every two-parent family, every single-parent family, every foster family." What happened to that vision?

### HISTORY VS. HYSTERIA

A bumper crop of recent books on family is a good starting place. John Gillis's book attempts to place America's current obsession with the family into historical and cultural perspective. Gillis, a social historian, uses the past not as a repository of lost virtues, but as a way to illuminate the present. Family life has changed drastically in America and the rest of the industrialized world. But as Gillis reminds us, family change is nothing new; neither is anxiety about the state of the family. Recent research into family life in past times reveals that diversity, instability, and discontinuity have been part of the European experience of family at least since the late Middle Ages, and continued into the new world.

Despite the nostalgia that has engulfed American culture in recent years, there never was a "golden age" of family. When the Lynds visited Middletown in the 1920s, it was in the midst of the mother of sexual revolutions—the age of flaming youth. The

### WORKS DISCUSSED IN THIS ESSAY

Maggie Gallagher, *The Abolition of Marriage: How We Destroy Lasting Love* (Regnery Publishing, 1996).

John R. Gillis, *A World of Their Own Making: Myth, Ritual, and the Quest for Family Values* (Basic Books, 1996).

David Popenoe, *Life Without Father: Compelling New Evidence that Fatherhood and Marriage are Indispensable for the Good of Children and Society* (Martin Kessler Books, 1996).

David Popenoe, Jean Bethke Elshtain, and David Blankenhorn, eds., *Promises to Keep: Decline and Renewal of Marriage in America* (Rowan and Littlefield, 1996).

Barbara Dafoe Whitehead, *The Divorce Culture* (Knopf, 1997).

1950s, now revered as the pinnacle of the American family dream, was to people who lived it also an age of anxiety. For cultural critics of the time, the great menaces to family life and American character were juvenile delinquency, comic books (the Senate even held hearings on comics), and, strange as it may seem now, the suburbs.

History is an antidote to hysteria. Gillis, along with other historians of the family, recognizes that we are now, for good or ill, living through one of the most intensive periods of social, economic, and political change since the democratic and industrial revolutions of the eighteenth and nineteenth centuries. But the world is not what it was in 1955 or 1855; families today face unprecedented conditions—some of which stem from changes few would want to reverse, such as women's strides toward equality.

Four of these books bring us



into the firing line of the current cultural war over the family. They represent part of the output of the Institute for American Values, the think tank responsible for the sudden shift in the national debate on the family since 1992. Barbara Dafoe

ety, leading to the disintegration of the two-parent family and the desertion of their children by vast numbers of men. Single parenthood, or "fatherlessness," whether it occurs in the inner city or the suburbs or through divorce or out-of wedlock birth,

is a tragedy for children, and a catastrophe for the rest of society. It is the direct cause of our worst individual and social problems:

poverty, crime, violence, delinquency, drug and alcohol abuse, school failure, teenage pregnancy, welfare dependency. In short, it is the number one domestic problem facing the country, because it drives all the rest.

The solution? A crusade to dismantle and repeal the culture of divorce and unwed parenthood. As the Institute for American Values writes in its mission statement, "the two-parent family, based on a lasting monogamous marriage," is "the most efficacious one for child rearing." These authors differ on particular issues such as no-fault divorce (Gallagher would abolish it, Whitehead has recently argued that doing so would be a mistake), or premarital sexual relationships (Popenoe favors responsible ones, Gallagher is shocked by the idea). But they all agree that the heart of the problem lies in the prevailing cultural values. They favor a range of public and private initiatives to "restore" marriage and make alternatives to the two-parent

biological family socially unacceptable and practically difficult.

Since these arguments have become the conventional wisdom over the past four years, there is a certain déjà vu quality to the books. Social scientists and others who take issue with this analysis have been on the defensive, fending off charges of being "against" the two-parent family, "for" divorce and single parenthood, and indifferent to children's well-being. Nevertheless, the analysis remains flawed. The Institute for American Values and its associates present a skewed and misleading version of the research evidence on the causes and effects of divorce and single parenthood. For example, institute writers feature the highly pessimistic divorce studies of Judith Wallerstein and her colleagues, which have been severely criticized on methodological grounds by other divorce researchers. The children in Wallerstein's study were not studied before the divorce to determine whether their problems were new. Nor were they compared to children whose parents remained in unhappy marriages or, indeed, to any other control group.

At the same time, Whitehead and her colleagues ignore more systematic research that does not support horror stories about the effects of divorce. In 1991, for example, the journal *Science* published a report based on a large, two-nation study of children at age 7 and later at age 11. The results showed that, compared to those who remained in intact families, children whose parents had divorced in the interim did have

Americans have still not come to terms with the gap between the families we live with and the families we live "by."

Whitehead, author of *The Divorce Culture*, wrote the op-ed on Murphy Brown that inspired the remark in Dan Quayle's speech; she was also the author of the 1993 cover article in the *Atlantic Monthly* declaring that "Dan Quayle Was Right."

Whitehead's new book expands on those earlier pieces about the dangers of divorce and single parenthood. So do the books by her colleagues—Maggie Gallagher's *The Abolition of Marriage*, David Popenoe's *Life Without Father*, and most of the articles in *Promises to Keep*, a book of readings edited by Popenoe, along with Jean Bethke Elshtain and David Blankenhorn, who have also written variations on the same themes. Their argument is, we live in a "post-marital," "post-nuclear family" society. Marriage has disappeared as a cultural ideal. A "culture" or ideology of liberation and self-fulfillment, originating in the 1960s and sustained by the liberal elite, has spread throughout the soci-

more problems, but they had shown those problems at age 7, *before* the parents divorced.

Even without discounting the effects of pre-divorce problems, the differences between children of divorced and intact families are not as gross and categorical as these writers insist. The figure "How Divorce Affects Children's Well-Being" illustrates why it is misleading to write, as Whitehead repeatedly does, of the "average child of divorce." Note that while the average score of the divorced group is lower than that of the non-divorced, the two curves overlap. Some of the divorced group score *higher* than the average of the intact family group.

Despite all the hand-wringing, there is no evidence that the remarkable demographic changes of recent decades represent a basic shift in family values. Indeed, marriage and two-parent families remain the norm and continue to prevail statistically.

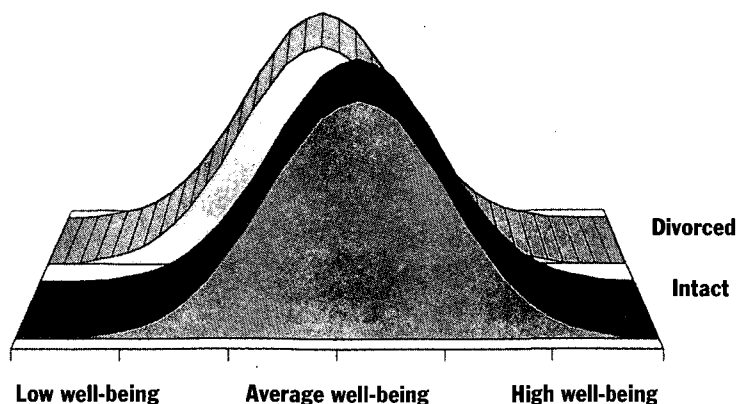
Anyone reading these books and little else on family structure, however, is likely to be surprised to learn that, according to the Census Bureau, most children are born to married mothers and spend most of their youth with their two parents. And the divorce rate has been revised down to 40 percent from 50 percent. Of course, families are more varied and more fragile than in the past, and today's Ozzies and Harriets are both working outside the home.

But we are far from a culture that has "abolished" marriage and the nuclear family. On the contrary, cross-national surveys reveal that we are the most traditionalist of Western nations in our family values. We have the highest marriage rates in the industrial world. Our attitudes toward divorce would predict that we would have the lowest rates of divorce, rather than one of the highest. Nor is this a recent trend: We have

always had higher rates of both marriage and divorce than other Western nations.

The Institute for American Values views the family in a social and economic void, as if family behavior were shaped only by culture and values. Indeed, Whitehead and her colleagues seem to have invented a germ theory of culture, in which bad ideas and values spring up, infect a few minds, and then spread relentlessly throughout the population. But most family scholars believe that the recent transformation of the family results from an accumulation of cultural, social, and economic changes. Shifts in women's roles are pivotal. The shift to a service economy, for example, has drawn women into the workplace; a series of life-course revolutions has reduced the period of active child care in a women's life to a small segment of an 80-year life span. Educational levels of both sexes have risen.

## HOW DIVORCE AFFECTS CHILDREN'S WELL-BEING



Source: Paul R. Amato, "Life-Span Adjustment of Children to Their Parents' Divorce," *The Future of Children*, Spring 1994, page 146.

## THE WELL-BEING OF CHILDREN

Part of the reason for the impact of Whitehead and colleagues is that they place the well-being of children at the center of the national debate. The number of children involved in divorce is huge—more than a million a year. Children growing up in single-parent families are on the average likely to face greater disadvantages than children in two-parent families. The United States is plagued by a host of social problems, including the highest child poverty rates in the Western world. And it is certainly true that the nation's future depends on find-

ing solutions to the problems plaguing many children and families. But because these writers' definition of family is so narrow, their genuine concern for children has contributed to a frightened and punitive public mood. Instead of seeking ways to assist children who grow up in less-than-ideal family situations, these writers call for policies that will disadvantage them still further.

Whether or not the new welfare bill does threaten more than a million children with destitution, the vast majority of Americans were willing to take that risk to send a message of disapproval to single mothers. Similarly, exaggerating the effects

ence. Indeed, a broad scholarly consensus holds that economic hardship and high levels of marital and family conflict are the major causes of stress in children's lives. These are more important than the number of parents living in the home for predicting developmental outcomes.

More recently, researchers have found that maternal stress and depression account for substantial variation in children's psychological functioning, including school achievement. Children do better after divorce when finances are adequate, when both parents remain involved, when parents manage to contain their conflicts, and when other life stresses aren't

added onto the stress of divorce. Again and again, the importance of a warm, responsive relationship with the custodial par-

ent comes through as a critical factor. One recent study of adolescents after divorce found that a nonresidential parent's remembering special occasions like holidays and birthdays had a significant impact on the child's adjustment.

In general, Whitehead and her colleagues have a highly selective approach to the research literature. Many of the family researchers cited in Whitehead's *Atlantic* article protested her misuse of their data. Sara McLanahan, for example, has objected to efforts to "demonize single mothers." "The evidence does not show," she wrote in these pages ["The Consequences of Single Motherhood," *TAP*, Summer 1994], "that family disruption is the principal cause of high school failure, poverty, and

delinquency." She points out that the high school dropout rate for children in two-parent families is 13 percent, compared to an overall rate of 19 percent. "So the dropout rates would be unacceptably high, even if there were no single-parent families." Further, while McLanahan points to vulnerabilities in single-parent families in order to propose policies to remedy them, Whitehead and her colleagues point to them as signs of the moral failings of such families.

McLanahan's comments highlight an even larger problem with the analysis: The passions aroused by debates about Dan Quayle and the virtues of two-parent families have obscured the stresses and anxieties experienced by families in all living arrangements and across class, racial, and ethnic lines. The largest source of family change and family stress is the shift to a postindustrial, globalized economy, a change that many scholars have compared to the industrial revolution. Indeed, the effects of today's transformation on the family are precisely to reverse the gender-based division of labor that emerged when work moved out of the home and men followed it. The breadwinner-housewife family, with the accompanying domestic ideology of "separate spheres," was a social arrangement associated with the earliest stages of the industrial revolution. Further economic development has drawn women out of the home in a slow and, until the 1970s, nearly invisible revolution that has been in progress for more than a century.

Commentators on both sides of today's family debate agree that the shift in gender roles has unrav-

## Pragmatism gets overcome by moral panic.

of divorce on children is likely to have unfortunate consequences. In his book *Childhood*, the anthropologist and physician Melvin Konner writes that "to continue sounding a hysterical alarm about the effects of this experience without better evidence is simply irresponsible. It preserves bad marriages that may harm children more than divorce does, and it creates an epidemic of hurtful guilt and shame in many millions of parents who failed at marriage after doing the best they could."

It is also irresponsible to ignore how the risks to children in divorced and single-parent families can be reduced. Whitehead scoffs at the notion of a "good divorce," but a number of factors do make a great differ-

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eled the traditional marriage bargain—she does all the family work, he brings home the bread and the bacon. Now that wives are also employed outside the home, they expect husbands to share in caring for the children and the housework. Men are doing more than their fathers did, but not enough to live up to the ideal of equal sharing that increasing numbers of both men and women claim as their ideal marriage.

Economic shifts have also had unsettling effects on families by pulling the rug out from under blue-collar families and people with no more than a high school education. As sociologist Frank Furstenberg has pointed out, marriage has come to be a luxury item, something many young men feel is beyond their economic reach. Living in a society that is becoming polarized economically, we should not be surprised that family life is also becoming polarized. In the 1950s, a young man just out of high school could support a family. In the 1990s, the lack of high-paying industrial jobs and the need for higher education has prolonged the transition to adulthood. Living together unmarried—which in a legal sense counts as single parenthood—has been the low-cost way to start a family.

**N**o country has anything like the polarized, partisan “family values” debate we have here. Even in England, John Major’s “Back to Basics” campaign became an embarrassment. Instead, both right and left in most other rich industrial nations have supported attempts to miti-

gate the strains arising out of family change. Why has the United States been unable to adapt pragmatically to late-twentieth-century social realities?

Paradoxically, it may be our very devotion to family values that makes the theme so politically appealing and yet so ineffectual. Despite the decline of “traditional” family households and the rise of single-parent families, these demographic shifts don’t necessarily reflect a fundamental change in what Americans believe and value. According to surveys and other studies of American culture, marriage and parenthood remain essential ingredients of the American dream.

Indeed, John Gillis argues that our current obsession with family values reflects Americans’ reverence for the family as a religious symbol, whether or not they are traditionally religious or live in “traditional” families. He describes how American family culture has become increasingly like a religion; living rooms have been turned into shrines of family photographs, and family rituals like Christmas, Thanksgiving, birthdays, anniversaries, and a host of others have been elaborated in ways that were unknown until recent years.

#### BACK TO THE FUTURE

The country badly needs a realistic national conversation about family matters where we could explore our concerns, differences, and ambivalences—and seek the common ground buried under the polarizing, moralizing rhetoric. Above all, we need to ask whether secure, family-sustaining jobs are a possibility or a pipe dream in the kind of econo-

my we now have, and what we can do if they are not.

Such a conversation began in the middle 1970s, when President Ford supported the ERA as well as the International Women’s Year, newspapers carried pictures of the President as the New Man making his own breakfast, and the First Lady was an outspoken feminist. The Democrats introduced the family theme to national politics under the banner of “family policy.” Walter Mondale and Daniel Patrick Moynihan were among the first to propose that government had a role to play in “strengthening families”; Jimmy Carter picked up the theme in his presidential campaign and promised, if elected, to convene a White House Conference on the Family.

For a brief time, the country seemed ready to confront the changes in the family. The Ford and early Carter years were a time of relative social calm. Policy intellectuals began to take an interest in the family, out of disillusion with the social programs of the 1960s and as a way to give policies for the poor a more universal appeal. An array of study groups, foundations, and government task forces began to take stock of the state of the nation’s children and families in order to propose policies to cope with older problems as well as the new realities.

In a 1979 article in the *Harvard Education Review*, Joseph Featherstone summed up reports by the Carnegie Council and the National Science Foundation among others: American families were under stress, though recent changes did not amount to a collapse of the



## Why has the United States been unable to adapt pragmatically to late-twentieth-century social realities?

family. The impact of the economy and working conditions on families was a central theme; the reports addressed the conflict between work and family by proposing government and corporate policies such as flexible work schedules for men and women and leaves for pregnancy and child rearing. Jobs, a decent income, and adequate housing and health care, they said, are the minimal conditions for a healthy family life. The care of young children is an important form of work, and anyone who does it should have an adequate income. These recommendations sound utopian in the 1990s, yet are generally similar to family policies that most other advanced Western countries have adopted.

Ironically, writing in the 1970s, Featherstone felt obliged to defend these proposals against "the current fashion for sneering at liberal reforms" then rampant on the left. Incremental liberal reforms would not overthrow capitalism, he conceded, but would temper "the viciousness of the sys-

tem" and lead to further reforms. Yet Featherstone was presciently pessimistic that a new focus on the family would help spawn new policies; instead, he feared that it would lead to an era of private solutions to public



problems—"an era of empty ther-  
apizing and empty spiritualizing."

The fate of the White House Conference on the Family justified this pessimism. The idea of such a conference had wide appeal across the political spectrum. Yet its planning stages quickly became a battleground over abortion, sex education, the equal rights amendment, gay rights, and the very definition of family. The conference was renamed "The White House Conference on Families." The planners, considering this move a simple recognition of the reality

of family diversity, assumed the issue was, as one put it, "How do we make it healthy and functional and positive for those people who find themselves in those many situations?"

They were surprised to find that the name change galvanized conservative forces determined to limit the definition of family to the basic unit of husband, wife, and children. One of the original architects of the New Right, Paul Weyrich, whose idea it was to use moral issues to "ignite people who do not ordinarily vote Republican," recently recalled that the White House conference was the decisive event that turned religious activists toward Ronald Reagan and the Republican Party.

In the early 1990s, it again seemed reasonable to hope that the ideologically polarized debate about family values might give way to a more constructive, nuanced discussion. In the late 1980s and early 1990s, a number of conservatives and liberals attempted to find common ground on a number of child and family issues—for example, child care and enhanced economic security for families raising children. Once again, however, pragmatism was overcome by moral panic.

The war over family values has been a convenient way for both conservatives and liberals to avoid confronting the harder political questions: What kind of country are we becoming? Will we become more like the other rich democracies, conservative and social democratic, who invest in families, whatever their form, as

an essential part of the nation's social infrastructure? Or will we continue further down the path of increasing inequality, toward what Edward Luttwak has called the Brazilianization of American society, as more Americans live in middle-class suburban comfort or the well-guarded enclaves of the wealthy while those outside the gates grow poorer and angrier.

There are some signs of hope. One is the fate of the 1994 Republican revolution, which demonstrated that although liberalism may have become a dirty word, naked conservatism is frightening. As a campaign epithet, "liberal" lost its sting; the candidates who made the most derogatory use of the L-word went down to defeat. With welfare off the table, the 1996 debate

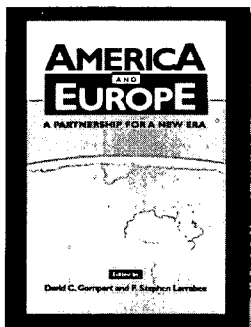
shifted away from talk of virtues and values and toward the small incremental policies aimed at "soccer moms": 48-hour hospital stays, extension of medical and family leave, and the like.

Another sign of hope is the revival of the AFL-CIO in the last election, under the new direction of John Sweeney. Seeking ways to move its agenda forward, labor is beginning to reclaim the language of family by speaking of "working families." One survey found that 83 percent of a national sample agreed with the statement that "working families have less economic security because corporations have become too greedy and care more about profits than their employees." The idea of appealing to core American values like

fairness and loyalty is a strategy that can help liberals transcend the identity politics that has outlived its usefulness.

Executives of some of our largest corporations are also at the forefront adapting to the new realities of family life. Still another sign of hope is the moral vision that has been articulated by the U.S. Catholic Bishops and other religious groups offended by the claims of the Christian Coalition to define family values for the rest of the country. A recent article in *Christian Century* called for "a new political agenda" that stresses "both personal responsibility and social justice, good values and good jobs, sexual morality and civil rights for homosexuals. . . ." If liberals want to add their own approaches to the

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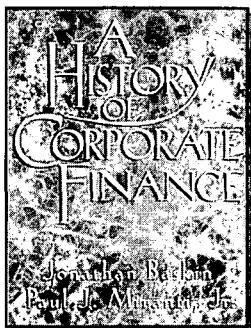
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problems of American families, a good starting place would be the old memos and reports issued in the 1970s—not just as a source of good ideas, but also as a warning of where the pitfalls lie.

**B**ut liberals find themselves in a far more difficult situation than they did 20 years ago. The demise of the political left has transformed liberals into the only left there is.

The right wraps itself in the mantle of virtues and values, intones the standard litany of social crisis—crime, drugs, illegitimacy, teenage pregnancy, divorce, welfare dependency—and blames liberal permissiveness and policies. And when cultural conservatives argue that only the stable, monogamous, two-parent family can raise healthy children and keep social chaos at bay, liberals are left either defending everything but the

time limits but also day care, job opportunities, and training. In other words, they favored the kind of welfare bill Clinton proposed in 1994.

During the 1996 campaign, Morris and Clinton even considered advocating sex education and condom distribution in the schools, based on a program Clinton carried out in Arkansas. “Until we get real and give out birth control in schools,” Morris advised the President, “you’ll never crack teen pregnancy.” In one poll, Morris asked voters which they preferred, a program that promoted abstinence or one that gave out birth control information and condoms. Voters backed birth control by two to one. Yet Morris thought it was too risky to go into an election without at least 70 percent support. “We chickened out,” he writes.

Nevertheless, liberals can take heart from these numbers and other statistics like them. Americans repeatedly have shown that while they cherish the family, they define family in an

inclusive and pluralistic way. In short, Middletown pragmatism is alive and well, along with Middletown morality. Whitehead, Popenoe, and their colleagues have missed an opportunity to speak to both sides of American ambivalence, to open up a national discussion of the complexities of American family life today. Liberals needn’t swallow the ideological bait and become the advocates of divorce and every nontraditional alternative. Indeed, it is hard to find a liberal or feminist who argues that a loving, harmo-

nious, two-parent family is not preferable to a post-divorce single or recombined family.

But that’s beside the point. Loving, harmonious families are unlikely to break up. “Just Say No” to divorce is the answer that Whitehead and her colleagues propose for those who find themselves in unloving, miserable marriages. The family restorationists claim to speak for children, but their primary concern is to castigate parents in the “wrong” family forms. Ironically, in their ideological zeal, they fail to consider how the divorce process can be made less destructive to the millions of children already living in divorced and single-parent families. In effect, they are writing off the well-being of these children. The liberal response to hand-wringing about the decline in family values should be to shape a political and economic climate that values all our children and supports those who care for them. We should have no part of efforts to hold children hostage to a narrow definition of family that looks only at form and not at love, care, and responsibility.

Because social change has come on as suddenly as an earthquake, it is not surprising that nostalgia has engulfed American culture in recent years. In a sense, we are all pioneers, leading lives for which the cultural scripts have not yet been written. But liberals need to retain and support our enduring values of compassion and democratic hope, and not succumb to the easy language of loss and moral crisis. We are going to have to make our politics fit the families we live in, not the families we would like to live by. □

**A**mericans cherish family but most of us define it in an inclusive and pluralist way.

nuclear family, or joining the anti-single-mother, anti-divorce, anti-remarriage crusade.

Seemingly, reconciling these contradictions would require the sleight of hand of a Dick Morris. In fact, Morris sheds some useful light on these dilemmas. In his recent book, Morris says his polling found that voters were far less polarized than the public debate; massive majorities embraced an “amalgam” of conservative and liberal views. On welfare, for example, majorities favored work requirements and

SCOTT STOSSEL

# Who's Afraid of Michael Jordan?

One of the blackest players ever to play professional basketball was white.

"Even though he wasn't fast and he didn't go for fancy dunks or anything like that," Dennis Rodman writes in *Bad As I Wanna Be*, "[Boston Celtic Larry] Bird was one of the few white guys who could play what people call the 'Black Game.'" Rodman, who is black, here puts the lie to the sometimes invidious distinction between "black" and "white" basketball. According to this classification scheme, the quintessence of black playing style is Michael Jordan: spectacularly athletic, highly kinetic, and perhaps above all, very vertical. No white man can fly like Air Jordan. The quintessence of white playing style, on the other hand, is Larry Bird: relatively slow, heavily reliant on the long-range jump-shot, a good passer, and completely nonvertical—the proverbial white man who can't jump.

This understanding is widespread even among white athletes. Scott Brooks, a white point guard who plays for the New York Knicks, says, "You have to be a realist. White people can't jump as high." African-American athletes subscribe to it: O.J. Simpson, Carl Lewis, Hall of

## WORKS DISCUSSED IN THIS ESSAY

John Hoberman, *Darwin's Athletes: How Sport Has Damaged Black America and Preserved the Myth of Race* (Houghton Mifflin, 1997).

Dennis Rodman (with Tim Keown), *Bad As I Wanna Be* (Delacorte Press, 1996).

Kenneth L. Shropshire, *In Black and White: Race and Sports in America* (New York University Press, 1996).

Fame baseball player Joe Morgan, and current baseball superstar Barry Bonds have all claimed physical superiority for blacks. Sportswriters, armed with the empirical observations of years on the beat, also believe in racial athletic differences. In addition to the ignorantly racist comments of the variety that got television football analyst Jimmy "the Greek" Snyder fired from CBS in 1988 ("The black is a better athlete to begin with because he's been bred to be that way because of his thigh size and big size"), there are the more measured statements like this one from the book *48 Minutes* (1987), by two distinguished basketball columnists, Bob Ryan and Terry Pluto:

The NBA is perhaps the only arena of American life where to be white is to be immediately judged inferior. [It is] unnecessary to have a Ph.D. in kinesiology to realize that the

average black player can jump higher and run faster than the average white player. . . .

People in basketball don't really care *why* that is. They just know it's so, and they act accordingly.

It is into this strange context, in which most major sports fans—openly or not—acknowledge racial difference in athletic performance while many policy-makers and politically correct theorists do not, that Rodman's book arrives. Rodman does not deny that blacks dominate basketball. His distinction between blacks and whites, however, is not about athletic style but about attitude. "When you talk about race in basketball, the whole thing is simple: a black player knows he can go out on a court and kick a white player's ass," he writes. "What I'm talking about is attitude, and the black player has been conditioned to think he can take the white guy whenever he needs to."

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By grouping Bird with black players, Rodman is attributing any racial difference in ability not to innate physical characteristics, but to a socially conditioned attitude that leads to more intensity, more practicing. This attitude—an overweening confidence combined with a strong drive to dominate other players—is not entirely race-specific. Bird clearly had it. All-Star Utah Jazz point guard John Stockton, who is white, has it. And so, unquestionably, does Michael Jordan. If more black

players than white ones have this attitude, it is for the simple reason that they're driven to it by lack of alternative opportunities. "The black guy from a poor background . . . sees two ways out of poverty: sports or drugs. . . . The white guy from the suburbs doesn't have the same motivation to succeed in sports." In sum, Rodman says, "Blacks dominate bas-

ketball almost as much as whites dominate hockey. I don't believe in the science talk of genetics and all that. I think black dominance has more to do with black guys wanting it—and needing it—more than the white guy."

Of course Rodman, the flamboyantly tattooed, floridly dyed forward for the NBA's Chicago Bulls, is perhaps better known for his attention-grabbing antics off the court than his peerless rebound-grabbing ability on it. Not everyone will be inclined to take what he says about issues like race relations seriously, and indeed, much of what he has written is ridiculous or silly. But

by making Bird a practitioner of the "black game" Rodman—whether he means to or not—deflates stereotypical racial categories of athletic performance.

In principle, there should be nothing objectionable about a sentence like this one: "There is not a white star left in the NBA, nor a white running back worth mentioning in the National Football League; the idea of a white cornerback in today's NFL has become virtual-

ly unthinkable; a high and increasing percentage of the batting stars in major league baseball are African-Americans." Allowing for some arguable qualifications, this is a true statement. Anyone who denies it either

does not follow these sports or has been frightened by politically correct orthodoxy into repressing facts.

But grafting observations of this kind onto age-old racial mythology is objectionable because racism is endemic in our multicolored society. In this era of *The Bell Curve*, with its simplistic understanding of a trade-off between brains and brawn, the danger is that some of the free-floating racial nonsense in American culture will attach itself to the thinking of amateur racial theorists.

This age-old racial mythology is not just perpetuated by racist

whites; it's obligingly bought into by many blacks. When the black Olympic gold medalist sprinter Lee Evans said in 1981, "We were simply bred for physical qualities," he was not saying anything substantively different from what Jimmy Snyder, who is white, said when he got fired from CBS. Many African-American athletes and intellectuals play up or exaggerate black athletic superiority, claiming it as a biological emblem of essential blackness or as the genetic legacy of slavery. In fact, the more wacked-out margins of Afrocentrism are partly built around biological explanations of superior black athletic prowess. Ironically, white supremacists and black supremacists both emphasize black athletic superiority. The only difference is that while black supremacists cite alleged black biological physical superiority as evidence of a more general superiority, white supremacists cite it as evidence of lower intelligence or of a more animal nature.

A 1991 study found that half of Americans polled believed that blacks "have more natural physical ability" than whites. Does this mean that half of all Americans are racist? My own favorite basketball player is John Stockton, the imperturbable point guard who perennially leads the NBA in assists. Is it significant that my favorite player is white? I identify with him because he plays like me (only much, much better): He's not that tall, he doesn't have great leaping ability, he relies heavily on quickness and anticipation and on the proverbial "grit and wile." His skills are manifestly

As blackness becomes associated with athleticism, racial mythology worms its way into the mix.

the "white" ones that Rodman deconstructs in his book.

Is my identification with Stockton racial? Racist? Perhaps, at least insofar as there is a small part of me that admires Stockton's ability to compete with and even surpass blacks at the very highest level. This is something that I cannot do even at the YMCA. But if my identification with Stockton is racist, it is no more so than my identification with the Toronto Raptors' 5'10" (tiny by NBA standards) Damon Stoudamire, another of my favorite players, is heightist. I like Stoudamire, who is black, because he's short like me.

When I'm playing at the YMCA, black players dominate on the court. They are usually faster and stronger than the white players, can jump higher, and can shoot better. It is primarily black approbation I find myself seeking when I perform on the court because in the basketball universe, blacks set the terms. Blacks are the authority.

Is this racist? Indirectly, yes, because it is only in sports (and perhaps some areas of entertainment) that blacks enjoy this elevated position in the social hierarchy. The exalted status that I (and other people, white and black) accord to blacks on the basketball court does not generally extend into other realms. My own deference to black superiority on the court is not racist in the sense that I then expect blacks to be fundamentally inferior in some other area. But the limitation of blacks' privileged status to sports has obliquely racist effects because it leads to the fetishization of black athleticism. This fetishization, disseminated by the mainstream

media, is then absorbed and accepted by both blacks and whites. And as blackness becomes indelibly associated in the public mind with athleticism, racial mythology (Rodman's "science talk of genetics") inevitably worms its way into the mix, leading to reductively biological explanations of phenomena such as lower black IQ scores or the predominance of blacks on the welfare rolls.

What's more, as athleticism becomes valorized as the essence of blackness, thousands of inner-city kids, for whom other avenues to a middle-class existence are largely inaccessible, pour all of their energy into becoming the next Michael Jordan or Emmett Smith. Meanwhile, the probability that only one or two out of ten thousand black kids will go on to a successful professional sports career gets ignored. As a Louisiana high school coach put it in 1968, "A white kid tries to become President of the United States, and all the skills and knowledge he picks up on the way can be used in a thousand different jobs. A black kid tries to become Willie Mays, and all the tools he picks up are useless to him if he doesn't become Willie Mays."

**I**'ve tried to locate my prejudices with such precision here not to expiate my racial guilt but to illustrate one of the main arguments of John Hoberman's *Darwin's Athletes: How Sport Has Damaged Black America and Preserved the Myth of Race*, the most intelligent and provocative book on race and sports since Harry Edwards's 1968 *Revolt of the Black Athlete*.

Hoberman's book is also, however, energized by an angry moral fervor that occasionally borders on the maniacal. Reading *Darwin's Athletes*, its biting gladiator's prose relentlessly cutting racists down to size, one sometimes wants to grab the author by the lapels and ask him, Can't a white coach ever be just a white coach, and not a symbol of colonial oppression? But Hoberman, a professor of Germanic Languages at the University of Texas who has written extensively on sports performance, clearly has a deep knowledge of his topic. Abundantly footnoted, and with a good bibliography, the book will be useful to scholars and general readers alike.

Hoberman's book comes out at a propitious time: the fiftieth anniversary of Jackie Robinson's debut with the Brooklyn Dodgers. Over the last 50 years, people have touted professional sports as an emblem of integration and as a beacon of better race relations to come. Hoberman will have none of this. He believes that this rosy vision of sports is part of society's need to white-wash the true state of race relations in America. Hoberman notes with characteristic acidity: "[T]he presence of large numbers of black athletes in the major sports appears to have persuaded almost everyone that the process of integration has been a success. This sense of closure is an illusion that is rooted not in the fact of racial equality but in a combination of black apathy and white public relations efforts."

Hoberman asserts, in effect, that white people need to admire black men on the playing field to justify their condescension to

blacks off the field. According to Hoberman, white hyperbole extolling sports integration is really just "white auto-intoxication that is fed by the impossible dream of being rid of conflict as a factor in everyday life." Elsewhere he writes, "The Jackie Robinson story has long served white America, and liberals in particular, as a deeply satisfying combination of entertainment and civic virtue that has simultaneously permitted disengagement from less tractable and more important interracial tasks, such as the pursuit of educational and military equality." No one, not racists, not white liberals, is spared Hoberman's withering judgment.

Dennis Rodman, too, comes in for some scathing comments in *Darwin's Athletes*. Hoberman deplores the self-aggrandizing antics of the mercurial Rodman as contributing to the notion of the black athlete as racial clown. But as much as Rodman's public preening serves to reinforce the idea of black athlete as a subhuman cultural oddity, his arguments weirdly parallel Hoberman's. "I'm nothing more than a sports slave," Rodman says, making conscious reference to the plantation-like racial imbalance in the NBA between coaches and executives (who are overwhelmingly white) and players (who are overwhelmingly black).

Hoberman, who is white, makes the same analogy. The implication is that despite the huge sums of money that a black

pro player like Rodman can earn in salary and endorsements, the arrangement that wins him these benefits is still part of the legacy of slavery and Jim Crow racism: Put the black players on the court and watch them perform for their white managers, owners, coaches, and fans; take them off and they still must suffer the depredations of racism and second-class citizenship.

**T**he mission of Kenneth Shropshire's *In Black and White: Race and Sports in America* is to ask why this arrangement exists. Shropshire, a business school professor and former college football player, takes a less sinister view than Hoberman of the racial imbalance between the front office and the playing field. For this reason, *In Black and White* is less interesting than

*Darwin's Athletes*. For the same reason, it may be more useful.

Shropshire begins by citing a 1995 study. Blacks comprise 12 percent of the U.S. population, but they make up 19 percent of

the players in professional baseball, 68 percent in football, and 80 percent in basketball. There are however, no African-American majority owners or league commissioners, and African Americans make up only 7 percent of team presidents in the NBA, and zero percent in both the NFL and major-league

baseball (MLB). In 1995, blacks comprised 19 percent of NBA coaches, 7 percent of NFL coaches, and 1 percent of MLB coaches. Between 1990 and 1992, a period during which pro basketball was 75 percent black, the NBA hired 25 head coaches. None was black. And the first black NFL head coach, Art Shell, was not hired until 1989, more than 40 years after Kenny Washington, a roommate of Jackie Robinson at UCLA, signed with the Los Angeles Rams in 1946.

A variety of factors, including bald racism, have led to white dominance of front-office jobs. Charles Murray would likely say that it's a simple case of whites being better suited for more cerebral tasks, but Shropshire argues that the main reason for the imbalance is straightforward. People in the sports industry work long hours. If you're going to be working long hours alongside other people, you're going to want those people to be your friends. And people tend to have friends of the same race. Shropshire quotes former San Francisco Forty-Niners coach Bill Walsh: "[Hiring is] a very fraternal thing. You end up calling friends, and the typical coach hasn't been exposed to many black coaches."

According to this argument, the real problem is that deeply entrenched "networks of recruitment" don't extend to include black people and the solution is to open the hiring networks to minorities. But how best to do this? Operating from the premise that completely color-blind policies do not work, Shropshire's view echoes Justice Harry

One in two  
Americans believe  
blacks are better  
athletes than  
whites. Is half of  
America racist?

Blackmun's famous dissent in *Regents of the University of California v. Bakke* (1974): "In order to get beyond racism, we must first take account of race. There is no other way. And in order to treat some persons equally, we must treat them differently." Yet Shropshire stops just short of advocating standard affirmative action. This is because the situation in pro sports is unique.

One of the stronger arguments against affirmative action is that it elevates some blacks to positions that they are not qualified for. This hurts the company doing the hiring, as well as the more qualified white person who did not get the job, not to mention the black person (and black people in general) who must shoulder the resentments and suspicion of the other two parties. In short, the problem with affirmative action in corporate America is that it is not clear that there are currently enough *qualified* blacks to make the policy more effective than it is harmful. This is unequivocally not the case in professional sports, where the applicant pool of very qualified blacks is large. Most NBA coaches, for example, are former pro players. Thus African-American applicants for coaching or management positions have had the same skill and leadership training as the whites who get hired. So if we are to deploy affirmative action policies in pursuit of equality in the coaching ranks, it will be to correct not lack of merit but rather lack of opportunity. And the choice of Ray Rhodes, the Philadelphia Eagles black head coach, as NFL Coach of the Year in 1995, his first year at the helm, nicely illustrates that

when the opportunity is available, an African American can take full advantage of it. Shropshire's prescription for broadening opportunity is a combination of remedies: enforcement of antidiscrimination laws; executive actions by the league presidents to encourage minority hiring; player union lobbying, including strike tactics; and white acceptance of black leadership.

Shropshire, who is black, is much less critical of American society than Hoberman is. Shropshire's book is generally free of rancor; Hoberman's is obstreperously bitter. Hoberman says, for example, that there is something emasculating about the packaging of black athletes in professional sports marketing. They're not supposed to be scary. Peter de Jonge points out that the NBA has improved its image among the white middle class with "a series of unthreatening yet bigger-than-life cartoon superheroes called Magic, Michael, Charles, and Shaquille." NBA commissioner David Stern has even compared Magic Johnson and Michael Jordan (whose co-stars in the recent movie *Space Jam* were Warner Bros. cartoon characters) to Walt Disney's Mickey and Goofy, and Nike promotes Orlando Magic guard Anfernee Hardaway's shoes with a street-talking, anthropomorphic puppet named Li'l Penny. Yet, paradoxically, promotions for the NBA and many advertisements that feature black athletes emphasize such conventions of black street culture as brazen trashtalking and threatening

poses, which reinforce the image of the black male as violent criminal. NBA players exhibit all the accoutrements and attitudes of ghetto drug culture and thus glorify them in the eyes of black and white youth (hip-hop style is as in vogue in white mall culture as it is in the inner city); but at the same time, black players are presented to the white audience as unthreatening. Whites can love the NBA because it presents blacks as loud and athletic without being dangerous.

So how did we arrive at the point where the pinnacle of black accomplishment is a man who puts a ball through a hoop for a living? In 1897, when W.E.B. Du Bois addressed black athleticism, it was to warn against blacks' *lack* of physical fitness, which was thought to reflect badly on the race. Hoberman demonstrates via numerous historical examples that the black superathlete is not an ineluctable biological phenomenon but rather a product of cultural circumstances. Whether blacks are perceived as superior or inferior in physical abilities—and at different times in American history they have been seen as both—doesn't matter: Whites always interpret black physicality as a sign of weak character, low intelligence, and moral slackness. Both the deficient black organism of the nineteenth century and the superior black organism of the twentieth, Hoberman demonstrates, have signified lower status for blacks.

Blacks too have fixated on the black body as a symbol of black pride, doubly reinforcing its highly charged racial symbolism. Black sports superiority, or the



black body, is meant to stand in for all the areas in which African Americans perceive themselves to be inferior. Shelby Steele calls this overvalorizing of sports achievement "compensatory grandiosity." Black intelligence, in this imagining, is not inferior; it is simply part of a different "cognitive style," more effectively directed toward physical expression (music, dancing, sports) than toward academic pursuits, which are the province of white people. It is not hard to see how this thinking can damage both black people as individuals and society as a whole.

**B**ut is it possible that "natural" or genetic factors do contribute to black dominance of certain sports? Even though Hoberman advances powerful arguments for the preponderance of social and cultural factors in establishing black athletic dominance, he does leave open the possibility that some biological or physiological component *might* contribute to black superiority in *some* sports. For example, he points to differences in the way that people of different ethnicities metabolize drugs and racial differences in bone density that might wrongly be interpreted as signs of disease. Politically correct blindness to these facts serves no purpose. But most of what passes for science on the subject of race—about length of heel bones or amounts of subcutaneous fat—is absolute bunk. The boldest he says anyone can confidently venture is that there may be bioracial components of athletic significance but that such hypotheses "are not even

close to scientific confirmation, and there is no scientifically justified reason to tie such plausible athletic traits to mental aptitudes." It's harder to determine what Hoberman thinks we should be doing. Outlawing professional sports? Being more assiduously truthful about physiological differences between the races? Educating people better? Making sure blacks have more and better opportunities than a 1-in-5,000 shot at the NBA?

Hoberman contends that the growing belief in black athletic superiority has led to profound anxiety for whites in the West, for whom white European preeminence has always included presumption of physical, as well as moral and intellectual, superiority. For example, cricket matches in the nineteenth century were seen as symbolic racial competitions in which colonial masters asserted their dominance over native subjects. In the twentieth century, with former colonies dominating England between the wickets, international cricket has come to serve as a "dramatic and often politicized theater of white athletic decline." Today, Hoberman writes,

White fatalism about racial athletic aptitude marks the end of a certain kind of racial prestige that was originally vested in the colonial male. In the United States, the slogan "white men can't jump" . . . exemplifies a gallows humor that acknowledges the twilight of white athleticism and whatever this portends for the supposedly beleaguered Caucasian male. The scenario for white decline can have a seductive appeal for

those of liberal temperament, because it seems to present at least a minimal redistribution of status amounting to compensation for centuries of racial oppression.

**H**oberman's book is fascinating and damning. But his view of professional sports is so unrelentingly critical that it obscures the fact that sports can be a benign, even democratic force. In the preface to *In Black and White in America*, former San Diego Charger tight end Kellen Winslow writes: "On the field of play the rules are clear, defined, fair, and unambiguous." The playing field is the ultimate meritocracy: Two points by Michael Jordan count no less than two points by Larry Bird; a home run by Babe Ruth has no more value than a home run by Hank Aaron.

Even if professional sports do contribute heavily to the overvaluing of black athleticism, it remains the case that professional sports leagues are among the few places where blacks and whites interact consistently and successfully on a prominent stage. And, speaking from personal experience, nothing establishes a (superficial, anyway) transracial bond more quickly than a backdoor pass to a man, cutting to the hoop for a lay-up. The sporting arena remains one of our few (flawed, to be sure) models of racial cooperation.

But if the playing field is a meritocracy, it is also a place where we project our misunderstandings and stereotypes onto the players. Unless we take race into account, racial delusions may take us in. □

# Hoop Schemes?

BY JASON GRAY ZENGERLE

**A** White House congratulatory ceremony for a championship sports team is usually just a big, friendly photo opportunity, filled with the platitudes and gift exchanges typical of such an apolitical celebration. But in 1991, when the National Basketball Association (NBA) champion Chicago Bulls paid a visit to George Bush, Craig Hodges, then a backup guard for the Bulls, saw an opportunity for activism. Instead of presenting Bush with the customary team jersey, Hodges, who wore a dashiki for the occasion, handed the President a letter asking him to be more vigilant in rectifying injustices against African Americans.

The White House episode was hardly out of character for Hodges, who frequently took advantage of his exposure to champion political causes. Hodges's complaints about the lack of African Americans in management positions in professional sports, his public dalliances with Louis Farrakhan and the Nation of Islam, and his outspoken criticism of less socially conscious black ath-

letes—criticism many construed as an attack on teammate Michael Jordan—made him a rarity in the NBA: a player who had some politics in addition to a jump shot.

In fact, Hodges now contends in a federal lawsuit that it was his politics, and not his jump shot, that brought an end to his basketball career. Hodges is suing the NBA for "blacklisting" him from the league because he is "black and Afrocentric." While it remains to be seen whether Hodges can convince a jury that NBA owners colluded and actively conspired to keep him out of the league, the circumstances surrounding the end of his career are unusual enough to lend credence to his allegations that his controversial politics were an issue.

After the 1992 season—a season in which Hodges won his third straight NBA three-point shoot-out and the Bulls won their second consecutive championship—the Bulls declined to offer Hodges a new contract. This, in itself, is not that odd. Hodges was 32 at the time, his skills were considered to be in decline, and the Bulls had signed several younger three-point shooters, making Hodges expendable. But what is odd about Hodges's case is that after being released by the Bulls, not one other NBA team ever sought his services. Teams routinely bring marginal players—to say nothing of ones with championship credentials—to training camp, just to

have enough warm bodies for scrimmages. Teams also covet experienced, respected players like Hodges for the wisdom they might pass on to younger players. In light of these personnel needs, Hodges's inability to secure a mere tryout invitation, even after offering to sign a non-guaranteed contract and play for the league minimum, is hard to explain.

Did Hodges fail to attract an offer because of his politics? It would make some sense. As a trip to any professional basketball arena will demonstrate, the racial dynamics of the NBA are unusual: 80 percent of the players on the court are black, while 80 per-



cent of the fans in the stands are white. While the NBA has certainly come a long way in the last 10 or 15 years toward accepting the racial realities of its sport—it wasn't that long ago that teams leery of having an all-black squad practiced a sort of affirmative action program for white players, making sure to have a few on hand, usually on the end of the bench—the league takes great pains to present its black athletes as unthreatening cartoon superheroes. [See Scott Stossel, "Who's Afraid of Michael Jordan?", page 95.] The NBA has embraced hip-hop styles without embracing hip-hop politics, because the latter, which would undoubtedly be a form of racial politics, might threaten the league's white fans. Thus Hodges's dashiki-clad activism may have been a political eruption the league felt it was better off without.

**S**ome players have demurred from political involvement for obvious business reasons. As Michael Jordan once explained with regard to his refusal to endorse Democrat Harvey Gantt in his race against North Carolina Senator Jesse Helms: "Republicans buy sneakers too." But sometimes players without concern for their own merchandising have been persuaded to abandon their political stands because of the NBA's overriding concern with its marketability. In the 1995-

1996 season, the NBA threatened to suspend Mahmoud Abdul-Rauf, then a guard with the Denver Nuggets, who had been refusing to stand for the playing of the national anthem before games. Hodges contends that his ordeal, like Abdul-Rauf's, serves as a cautionary tale. "From a job security standpoint, I think a lot of athletes are scared to say what's on their minds," Hodges says. "During my career a lot of players would tell me behind closed doors that they supported what I was saying, but they would never be forthright and come out publicly with their support. Players are afraid of having what they've earned taken away from them." As Chris Webber, an All-Star forward with the Washington Bullets, says, "I don't know if the NBA has a 'black list,' but they definitely have people that they like."

Curiously, the only genuine NBA star with public politics, Charles Barkley of the Houston Rockets, is a Republican. Perhaps the league figures that Barkley's occasional confrontational comments about race—he once reduced his critics in the media to "white boys" and jokingly claimed to hate white people—are acceptable because he maintains friendships with white or white-friendly conservatives like Rush Limbaugh, Strom Thurmond, Clarence Thomas, and Armstrong Williams.

Below the superstar strata,

the political stands that do get taken, if not punished, are actively downplayed. Webber recently broke his lucrative endorsement contract with Nike when the company refused to list his signature sneakers at a price more affordable to the inner-city kids who idolize him. But Webber's socially conscious and principled gesture went largely unnoticed because the NBA's vaunted public relations machine failed to call attention to it. Instead, the NBA sends out press releases touting safely inoffensive hospital visits as evidence of its players' "mak[ing] a difference in the lives of others."

**I**t is arguable whether African-American athletes have a responsibility to use their money and power to affect change off the field—it is, after all, unfair to hold them to a higher standard than white athletes. But professional sports leagues should not stand in the way of those African-American athletes, like Hodges, who have a desire to speak out on political issues. The NBA is frequently celebrated as a color-blind meritocracy, and on the court, this is certainly the case. But when the league tolerates blandly apolitical outlandishness like Dennis Rodman's but not political and racial activism like Hodges's, it's clear that the league's vaunted color blindness takes a back seat to its profit motive. □

# Poverty & Race

*Poverty & Race* is the bimonthly publication of the Washington, DC-based Poverty & Race Research Action Council, a 6-year old organization established by major civil rights and anti-poverty groups, headed by Chester Hartman. PRRAC brings together the worlds of advocacy and research in order to address problems at the intersection of race and poverty.

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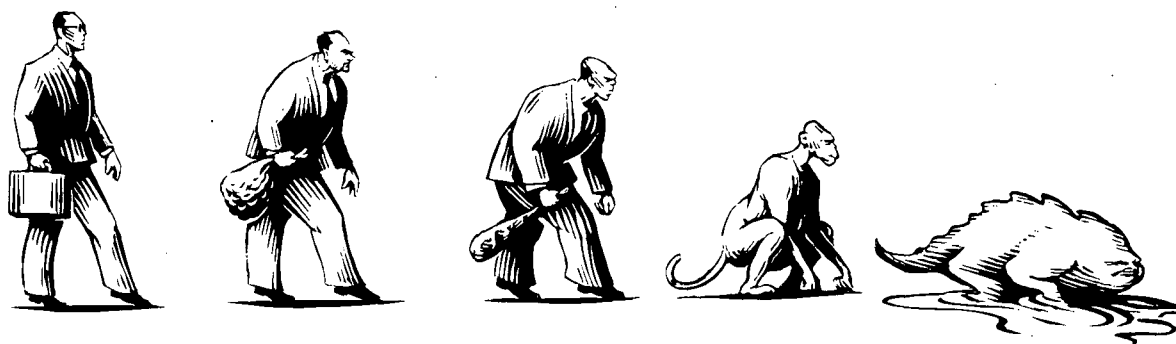
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## COPYCATS

Among the questions raised by the cloning of Dolly is which will cause more suffering: the ensuing puns ("Bring in the clones"; "Will there ever be another ewe?"; "Ewe again?") or the quality of moral discussion ("Will a clone have its own soul?"; "Should you be allowed to clone yourself?")? Nathan Myrvoild, Microsoft's chief technology officer, has helped to raise the standard of absurdity by writing in the online magazine *Slate* that opposition to cloning is a "form of racism." About President Clinton's moratorium on cloning research he has this to say: "The most extreme form of discrimination is genocide—seeking to eliminate that which is different. In this case, the genocide is pre-emptive—clones are *so* scary that we must eliminate them before they exist with a ban on their creation."

Racism? Genocide? Myrvoild should read up on the real thing.

In the meantime, we will be wondering what plans Microsoft might have for future cloning software. DNA, after all, is

potentially just another operating system business. In the near future, gene chips will enable you to record your own DNA, but suppose you want to make some improvements—none of us is perfect. So you check out the "designer genes" at various Web sites, download some special features or talents, and then merge them with your own gene sequences. Someone's going to have to provide the software to do this right, and why shouldn't that company be Microsoft?

As a business proposition, there may be just one problem: What's to prevent unauthorized gene copying? At Microsoft, cloning may be ethical, but copy-right infringement is a more serious matter.

## THE COST OF CONVERSATION

In our last issue, we reported a fascinating study that showed that higher unemployment reduces deaths from most major causes, except suicide. Additional valuable hints about the keys to longevity come to us from *Psychosomatic Medicine*, which recently published a study

showing that men who dominate conversations have shorter life expectancy. Among the various possible explanations, according to the authors, is that socially dominant men are "more chronically aroused and stressed, so they release more of the damaging stress hormones," which increase the risk of heart disease. And you thought the stress was felt mainly by the listeners.

## OBVIOUS TRIBUTE

The American Conservative Union (ACU) recently established an award for the "conservative pundit most helpful to liberals" and in March gave the first-year prize to Kevin Phillips. According to David A. Keene, the ACU's chairman, Phillips' transgressions included writing that the Reagan presidency aggravated economic inequalities and that the 104th Congress (1995-96) was hypocritical about institutional reform and special-interest money.

Oh, the shame of it! Apparently, conservative pundits are supposed to win over believers by denying the obvious.

—Paul Starr



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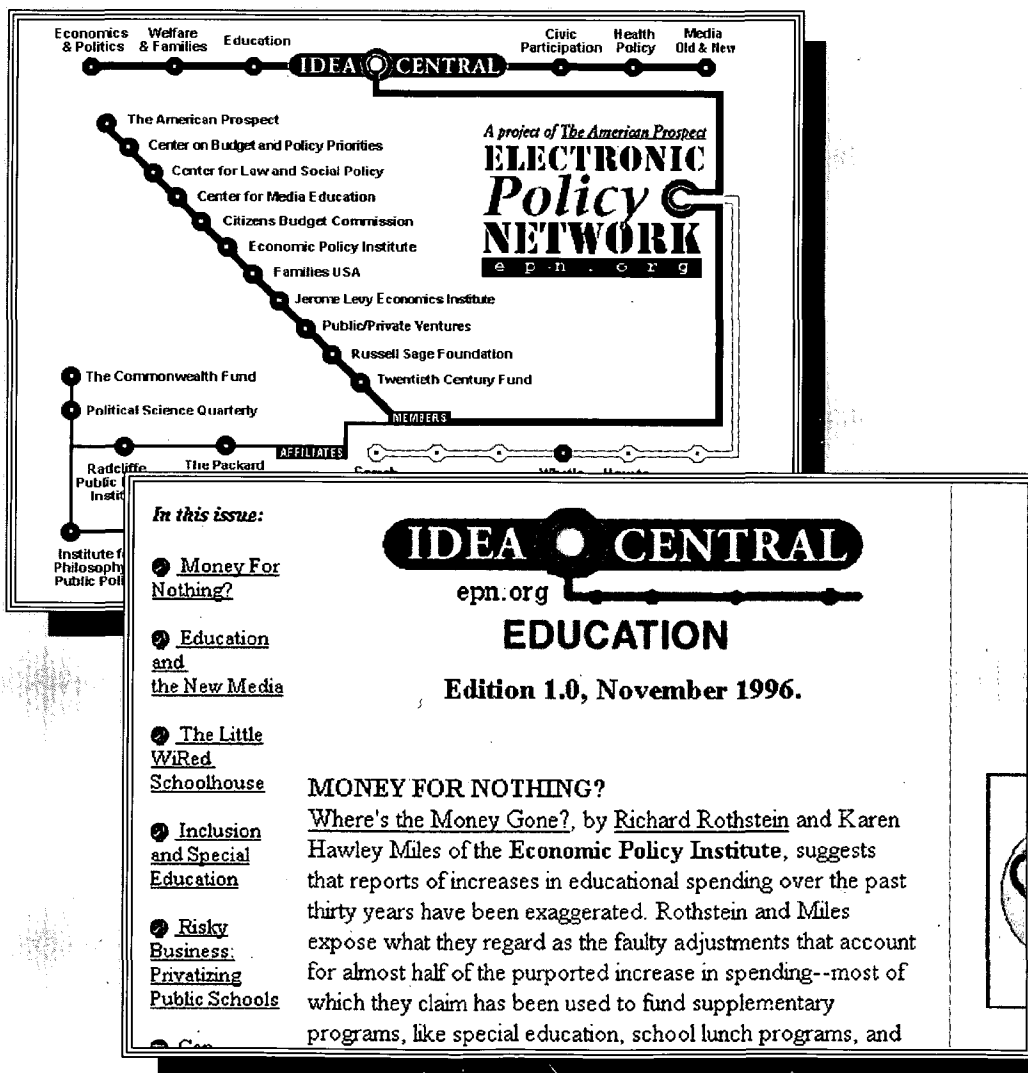
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